

Lectio



STUDIES IN THE TRANSMISSION OF TEXTS & IDEAS

2

EDITOR IN CHIEF

Gerd VAN RIEL

EDITORIAL BOARD

Anthony DUPONT

Michèle GOYENS

Marleen REYNDERS

SUBMISSIONS
SHOULD BE SENT TO

Marleen REYNDERS

marleen.reynders@kuleuven.be

© 2014 Brepols Publishers n.v., Turnhout, Belgium

All rights reserved.

No part of this publication may be reproduced,
stored in a retrieval system, or transmitted,
in any form or by any means, electronic, mechanical,
photocopying, recording, or otherwise,
without prior permission of the publisher.

Cover illustration:

Bible of Anjou, Maurits Sabbebibliotheek,
KU Leuven (Belgium), fol. 309r.

© KU Leuven, Maurits Sabbebibliotheek, photo by Bruno Vandermeulen

D/2014/0095/141

ISBN 978-2-503-55269-9

Printed on acid-free paper

Textual Transmission in Byzantium: between Textual Criticism and Quellenforschung

Edited by
Juan SIGNES CODOÑER
Inmaculada PÉREZ MARTÍN



BREPOLS

TABLE OF CONTENTS

Juan SIGNES CODOÑER	
<i>Introduction</i>	11

SECTION 1 LANGUAGE AND STYLE

Martin HINTERBERGER	
<i>Between Simplification and Elaboration: Byzantine Metaphraseis Compared</i>	33

Juan SIGNES CODOÑER	
<i>Towards a Vocabulary for Rewriting in Byzantium</i>	61

SECTION 2 VIRTUAL LIBRARIES AND CROSSED READINGS

Filippo RONCONI	
<i>L'automne du patriarche. Photios, la Bibliothèque et le Vénétie, Bibl. Naz. Marc. gr. 450</i>	93

Staffan WAHLGREN	
<i>Editing the Miscellanea of Theodorus Metochites</i>	131

Filippomaria PONTANI	
<i>A Scholium and a Glossary: two Footnotes to the Circulation of Rhetorical Texts in the Medieval Greek-speaking World</i>	145

Mariella MENCHELLI	
<i>Osservazioni sulle forme della lettura di Platone tra gli eruditi bizantini e sulla trasmissione del testo della Appendix degli Apocrifi del corpus platonico (con note paleografiche sul Vat. Pal. gr. 173 e sul Vat. Pal. gr. 174)</i>	169

TABLE OF CONTENTS

SECTION 3 PHILOSOPHICAL TREATISES AND COLLECTIONS

Pantelis GOLITSIS <i>La recensio altera du Commentaire d’Alexandre d’Aphrodise à la Métaphysique d’Aristote et le témoignage des manuscrits byzantins Laurentianus Plut. 87,12 et Ambrosianus F 113 sup.</i>	199
Caroline MACÉ, Thomas WAUTERS, Tomás FERNÁNDEZ, Lorenzo CUPPI <i>Un petit florilège sur l’âme et le corps (De corpore et anima) dans le Liber de definitionibus (CPG 2254) attribué à Athanase d’Alexandrie</i>	231
Barbara CROSTINI <i>The Teubner Edition of Psellos in the Light of a New Find in MS Trinity College Dublin 373</i>	263
Inmaculada PÉREZ MARTÍN <i>The Transmission of Michael Psellos’ Writings on Meteorologica</i>	291
Erika GIELEN <i>The Monk and the Stagirite. An Analysis of the De Virtute et Asceti of Nicephorus Blemmydes</i>	313

SECTION 4 THE SOURCES OF HISTORY

Michele BANDINI <i>L’uso delle fonti in sede di recensio: la Ciropedia di Zonara (Epit. III 15-26)</i>	331
Jeffrey Michael FEATHERSTONE <i>Basileios Nothos as Compiler: the De Cerimoniis and Theophanes Continuatus</i>	353
Paolo ODORICO <i>Dans le cahier des chroniqueurs. Le cas d’Eustathe d’Antioche</i>	373
Andreas RHOBY <i>Quellenforschung am Beispiel der Chronik des Konstantinos Manasses</i>	391

TABLE OF CONTENTS

SECTION 5
LAW TEXTS AND THEIR RECEPTION

Francisco Javier ANDRÉS SANTOS <i>El valor de las fuentes jurídicas bizantinas para la crítica textual y la Quellenforschung del Corpus Iuris Civilis: una visión panorámica</i>	419
Daniele BIANCONI <i>Contesti di produzione e fruizione dei manoscritti giuridici a Bisanzio. Qualche esempio</i>	455
Massimo MIGLIETTA <i>Trasmissione del testo e giurisprudenza bizantina: la tutela pretoria da Dig. 9.2 a Bas. 60.3 – Profili dogmatici</i>	477
José-Domingo RODRÍGUEZ MARTÍN <i>Lost and Found: On Recovery of Forgotten Classical Institutions in Early Byzantine Legal Texts</i>	513
Thomas Ernst VAN BOCHOVE <i>The Basilica between Quellenforschung and Textual Criticism</i>	539
Juan SIGNES CODOÑER, Inmaculada PÉREZ MARTÍN <i>In the Manner of Conclusions: an Epilogue</i>	577

JUAN SIGNES CODOÑER
Valladolid

INTRODUCTION*

After the pioneering prolegomena of the editions published by Karl Lachmann in the 19th century, the principles of textual criticism were developed by scholars such as Paul Maas, Giorgio Pasquali, Alphonse Dain, and Jean Irigoin on the basis of a deep knowledge of the manuscripts of the Byzantine period and an accurate appraisal of the history of the texts. Both elements were certainly a prerequisite for a study of the *constitutio textus*, for it was soon evident that Lachmann's stemmatics was untenable as a sole criterion for editors who were in need of complementary data in order to assess the place of a textual witness in a given *stemma*. Nevertheless, the reflections put forward by these and other scholars regarding the principles of textual criticism centred mainly on the main classical writers, which were transmitted as models of style for the school, and, secondarily, on selected Byzantine authors, who enjoyed the recognition of modern philology as masters of style, and more specifically on historians, particularly favoured by Western audiences as shown by the pioneering 'Paris Corpus' of Byzantine historians printed between 1648 and 1711.¹ The principles of textual criticism were thus

* I would like to thank all the contributors to the workshop for their comments and suggestions on a first draft of this paper as they greatly contributed to improving it. First and foremost, I would like to mention my colleague and co-editor of this volume, Inmaculada Pérez Martín, and then Daniele Bianconi, Barbara Crostini, Martin Hinterberger and Filippomaria Pontani.

¹ Interestingly, these historians, who were popular in the West, occasionally enjoyed a very limited diffusion among the Byzantines, such as the cases of Anna Comnena or Nicetas Choniates clearly prove, but also of lesser writers like the obscure, but apparently seducing Atticist, Genesios, edited by Lachmann in 1834.

based on ‘closed works’, whose transmission could be either open (with *contaminatio*) or not, but which in any case were usually safeguarded against interpolation, precisely because of the high reputation of their authors. These ‘closed works’ could indeed be paraphrased or imitated, but their original text always remained as the main reference for future readers. Any manipulation of their wording was mostly intended as forgery. Problems related with authors who did not particularly fit in with this scheme, for instance Homer (dependent on an oral tradition) or Demosthenes (especially as concerns the publication of his political harangues), were certainly taken into account at the time, but thought to be of secondary importance by editors, so that their texts continued to be treated as ‘closed’ without in fact being such.

At the same time, despite the considerable attention paid to the modes of textual transmission in the Byzantine period (reading, copy, imitation) by scholars such as Herbert Hunger and Guglielmo Cavallo, it was not textual criticism but rather the *Quellenforschung* that studied the transmission of Byzantine texts without this strong authorial character. However, the *Quellenforschung* has never been considered a discipline as such, in so far as no manual about the rules presiding it has ever been written. Perhaps the abuses of the classical *Quellenforschung*, denounced by many Byzantinists, are to blame for that, but the case is that the reaction against them arose in the field of literary, not textual criticism.²

To sum up, the principles upon which the discipline of textual criticism was founded need to be reconsidered when dealing with the transmission of Byzantine texts. The *Quellenforschung* must thus merge with textual criticism in order to broaden our perspectives as philologists and editors. It is incongruous to continue considering textual criticism as a separate field of research from *Quellenforschung*, since both disciplines are equally essential for the *recensio* and the *constitutio textus*. Indeed, stemmata have been frequently drawn for single editions of Byzantine works where families of texts diverge from an original source through interpolations or the use of complementary sources.

² See, for example Jakob Ljubarskij (1998), ‘Quellenforschung and/or Literary Criticism. Narrative Structures in Byzantine Historical Writings’, *Symbolae Osloenses* 73, p. 5–22.

It is on this basis that a workshop was held in February 2012 in Madrid to stimulate a debate on textual criticism centred on the analysis of Byzantine texts and their modes of publication, rewriting and diffusion. The main aim of the workshop was to provide future editors or scholars of the history of texts with a rich typology of concepts to guide their task, such as interpolation, paraphrasis, metaphrasis, quotation, collection, amplification or falsification, among others. We tried to avoid too rigid approaches or even the laying down of mechanical laws, and instead paid attention to trends or cultural premises that highly influence or even determine the preservation and transmission of the text. The present book stays true to its original purpose.

However, as a result of this free handling of the topic, it has not been easy to bring together the different case studies produced by the participants into a coherent whole. It is therefore perhaps not without interest for the readers to briefly explain the premises upon which we based the discussion, so that they themselves can judge the process which led to the present arrangement of the material. This will be done in the next pages and will be followed by a detailed description of the contributions. We hope this will suffice for everyone to make their own conclusions. Nevertheless, at the very end of the volume we have summarized in a simple schema what we considered to be the main arguments at stake. This will help the reader to establish methodological connections among apparently unrelated studies.

The present paralysis of textual criticism in the field of Hellenic studies is due, to a great extent, to the dependence of the discipline on the edition of Classical texts, that is, texts whose first physical testimonies – leaving aside papyri for now – date centuries after the originals written by their authors. Under these circumstances, the establishment of a single archetype appears a questionable enterprise due to the fragmented character of the transmission since its very first stages. This problem is especially acute for Greek Archaic and Classical texts composed in a predominantly oral environment fairly different from the Hellenis-

tic period, where the librarian market and the standardization of cultural production and education not only favoured a more homogeneous diffusion of contemporary texts (although the conditions obviously varied according to periods, regions or even the economic background of the authors), but also canonized the older ‘classics’, thus bridging the gap between these two different literary practices. From a modern perspective, however, the rift between the Classical and the Hellenistic age is revealing enough. It may be illustrative to compare the mostly oral teaching in Athens at the end of the 5th century BC, when the sophists began to spread writing as a means of social promotion and progress, with the industrial scale that Classical education assumed in (late) antique Alexandria, as recently proved by the discovery of a large series of identical classrooms in archaeological excavations.³

However, despite differences in scale, the act of writing on the part of individuals probably did not change in its main lines in the course of centuries, even right down to the invention of printing in the 15th century. Obviously, we are speaking here of the sequence of writing, correcting and pre-publishing texts as well as of the mental patterns of authors, not of the physical form the text assumed, which greatly varied from one period to another, especially during the transition from roll to codex and from papyrus to parchment. If we combine this circumstance with the fact that the amount of direct evidence available in Byzantium to reconstruct the very first stages of writing – including autographs – is without parallel in the previous period, a study of the Byzantine evidence may permit us to gain a better understanding retrospectively of the process of creation of texts in the Ancient world, albeit only as a way of comparison. In fact, we think that the differences in the process of creation of texts are more determined by the varying degree of the author’s dependence on the sources (oral or written) than by the material circumstances of the period in which the author lived. From this point of view, the Greek authors of the Imperial period and the Byzantine age shared much more in common than did those of

³ Tomasz Derda, Tomasz Markiewicz & Ewa Wipszycka (eds. 2007), *Alexandria: Auditoria of Kom el-Dikka and Late Antique Education* (The Journal of Juristic Papyrology, Supplement 8), Warsaw.

the Classical period with their Hellenistic followers, who became highly dependent on their sources. Although rhetoricians such as the anonymous author of the treatise *On the sublime style* (Περὶ ὑψους) or even Theon in his theoretical introduction to his *Progymnasmata* tried to assimilate Hellenistic *mimesis* to Classical *inspiration*, it appears evident that the weight of the written tradition determined the literary composition of Hellenistic authors to an extent that was unprecedented and unknown in the Classical age. It is therefore against the background of Hellenistic and Imperial literature that the Byzantine texts should be analysed, for their comparison with the Classical models poses the risk of equating disparate processes. It is accordingly not a coincidence that the polymath writer, approaching every genre and producing multifarious writings, was as such practically unknown before Aristoteles, but a very common occurrence in later times, from Kallimachos to Plutarch, from Photios to Psellos...

But there are even more reasons for approaching Byzantium in the search for new models which may help us to rethink the principles of textual criticism in the Greek world. Today it appears evident that in order to trace the archetype of the Classical texts as far back as possible, we must first understand the mechanisms by which *every* kind of text – not just the Classics – were transmitted in Byzantium. Consequently, as the evidence provided for the processes of composition, transmission, copy, re-writing and compiling of texts by Byzantine authors is much better known and documented than for their Classical counterparts, we should start our widening of the principles on which textual criticism was based through an analysis of the medieval evidence. Obviously, this discipline does not only address the edition of authorial and ‘closed’ texts of the Classical age, but is – indeed it must be – a discipline embracing every single Greek text from Antiquity to the end of the Middle Ages. In fact, the more ‘humble’ or secondary a text may be, the more representative it may appear of the standard processes of transmission for its age.

To foster debate among the participants, we sent some topics for the debate before we actually met in Madrid. These were summarized in six short headings:

1. **ARCHETYPE AND SOURCE.** Textual criticism ideally aims at establishing the archetype of the documented, usually split, textual tradition. As in most cases this archetype for Classical texts belongs to a much later date than the author's life, research on the author's sources or models is usually neglected, for this is supposed to follow a backward path from the author's original (which does not even represent the archetype!). This conception presupposes that every text has its author and becomes the beginning of a given transmission. However, a research that looks backwards from the author is also needed, especially when dealing with poetry in Archaic and Classical periods, not only because writers depended on previous oral traditions that continued well beyond their lives, but even because the very concept of authorship was very diffuse or weak as seen against the tradition itself. In later times, particularly since the Hellenistic age, the re-writing of texts was a widespread phenomenon, and editors therefore often had to consult the author's sources or models of inspiration when editing a given text. Thus, the very concept of original text again loses weight against the chain of the transmission. This confusion is abundantly evidenced in Byzantium where authorial works frequently depended on previous texts (for instance, in historical works, and not only in chronicles, but also in philosophical, philological or scientific treatises, not to speak of the continuous process of rewriting of hagiographical and rhetorical texts, etc.). Accordingly, it appears that combining *Quellenforschung* and textual criticism in order to edit texts is a necessity. To put it in other words, the derivative texts studied by the *Quellenforschung* should enter the stemmatic tree, which in fact represents the genealogy of a text. Graphic conventions must be developed in order to distinguish between the different kinds of derivation, as will be considered in the paragraphs below.

2. **AUTHORSHIP AND ACTUALIZATION.** Since Romanticism, authorship has been generally valued in terms of originality. The more original and not based on previous sources a text is, the more authorial it is considered. On the contrary, every text based on previous sources tended to be undervalued and its authorial character could even be entirely denied. The trends,

however, changed some time ago and words like ‘remake’ and ‘intertextuality’ are very popular nowadays. This change in perspective has not yet had any effect on our perception of the Byzantine literature, as the literary codes imitated or parodied by the Byzantines remain obscure and distant, mostly for linguistic reasons. To understand the problem, we should not only describe the level of dependence (and discern its different kinds, such as paraphrasis and metaphrasis and so on, as attempted below), but also try to understand how the Byzantines felt about derivative works. The well-known phenomenon that the last version of a text (say, a chronicle) triumphs against its original models (which remain ignored and are not copied), reminds us of a common phenomenon we observe today in the remakes of films: old movies in black and white are ignored by modern audiences who instead prefer new versions in colour with special effects. As with visual tastes, language and verbal expression change from one generation to another, and even Classics in modern national languages are rewritten in order to preserve their audiences.⁴ Can something similar be applied to the Byzantines? We think so, and even with the Classics, including Homer!⁵ Should we not put the emphasis on ‘actualization’ (forward approach) instead on ‘mimesis’ (backward approach)? This way of understanding the phenomenon may provide an explanation for the reception of some classical authors in Byzantium.

3. PARAPHRASIS AND METAPHRASIS / EPITOME AND AMPLIFICATION. Paraphrasis describes the re-writing of a text according to new stylistic or rhetorical patterns. Metaphrasis is the transposition of a given text into a different linguistic level.

⁴ This is common use with Cervantes’ *Quixote*, which is frequently adapted for children and modern readers, but not so with Shakespeare, although the recent Booker Prize-winning authors Margaret Atwood (2000) and Howard Jacobson (2010) will re-write two of Shakespeare’s most widely-read plays, ‘retelling’ the familiar stories in modern prose.

⁵ It is not perhaps by chance that the oldest copy of the *Iliad*, dated to the ninth century and preserved in the Monastery of Saint Catherine in Egypt, contains a contemporary Greek interlinear paraphrase. See P. Nicolopoulos (2003), ‘L’ἐξήγησις de l’Iliade de Sophrone, patriarche d’Alexandrie (840–860)’, *Byzantion* 73, p. 246–249. Tzetzes’ *Antehomerica*, *Homerica*, and *Posthomerica* are to be understood under the same perspective.

The term is properly applied to Late Byzantine metaphrasis, sc. the ‘translation’ of an Atticizing Greek text into a more popular level of Greek (for example, Anna Comnena or Nice-tas Choniates). However, Byzantines also applied the term to the Metaphrastic lives, which represent exactly the opposite phenomenon as they are closer to the concept of paraphra-sis. This confusion evidences the need for a more conscious use of labels to refer to the transpositions of texts. Moreover, beyond verbal changes, other procedures must be considered when dealing with transpositions of texts: for instance, the apparently contradictory techniques of epitome and ampli-fication, which coexist in the same works as proved by the comparison of the Metaphrastic lives with their models. The causes explaining the preference for one option or the other are not arbitrary and must be interpreted in connection with the linguistic transposition.

4. DOSSIERS AND COMPOSITION. What about the editing of a text that was not conceived as a final text but only represented an intermediate stage towards it? We are referring here mainly to collections of excerpta or miscellaneous writings, also referred to as dossiers. In some cases, like in the *Excerpta historica* of Constantine VII, the existence of a proem informs us about their intent and purpose. In other cases, such as in corpora of philosophical treatises, however, it is difficult to assess whether the assembled pieces were conceived as a kind of work of its own (say, a ‘summa’ on a given topic or an ‘anthology’) or simply as a repository of notes intended for the private use of the compiler or with the composition of a work in view. A para-digmatic case is that of the variants of legal compilations, which were rarely endowed with prologues and were mainly the work of private jurists. The existence of a prologue obvi-ously provides help in understanding the character of the text, but it does not confirm the finished state of the dossier (con-sider again some of the ‘dossiers’ running under the authorship of Constantine VII). On the other hand, its absence, which may be accidental, may not prove that we do not have a finished work before us. Diplomatic editions of some manuscripts (like in the old editions of *Anecdota Parisiensia*, *Oxoniensia*, etc.) are

usually envisaged when the excerpted material is not found elsewhere, but they frequently do not care about the rules presiding the organization of the collections, such as the process of producing autonomous pieces of text (*excerpta*) cut out from a continuous narrative, the intellectual construction presiding the selection itself, or even the diachronic aggregation of texts taken from related sources (which explains repetitions). We must reflect on these issues in order to discover some kind of ‘compositive’ meaning or principles in the ‘dossier’.

5. INTEGRATIVE COMPOSITION AND INTEGRATIVE EXCERPTATION. There are many ways of working with excerpts or dossiers; something which is especially evident in historical writing. Some authors create a narrative on the basis of excerpts (e.g. the so-called Continuator of Theophanes, whose main source is represented by sets of quires full of passages taken from the original sources: what we could label integrative composition), others expand on an existing narrative by integrating new excerpts (e.g. Pseudo Symeon, who inserted selected passages from the Continuator into a previous existing narrative taken from the Chronicle of the Logothete: integrative excerptation), while yet others combine two or more existing narratives (e.g. Skylitzes who alternatively followed the works of Genesios and the Continuator to produce his narrative of the second iconoclasm). These are not clear-cut differences, but poles around which the authors’ task gravitates and which must somehow be reflected by critical editions, where the *apparatus fontium* does not suffice to render the complexity of relations between the author and his source: not only at the linguistic, but also the structural level. Albeit complex, the conventions developed so far, especially in the edition of Byzantine metaphraseis, certainly provide a useful guide to the eye for identifying patterns of stylistic and linguistic change in the wording of the text, but are of no avail for understanding the ‘cut and paste’ method of the authors and detecting the sutures between the piece sewn, for these conventions apply to processes of one-to-one change. Informatics apparently will provide more tools for visually displaying the complexity of these working methods (we refer here to the multidimen-

sional possibilities of the links), but we should also try to conceive paper editions capable of reflecting these problems in a simple way.

6. CHANGING PERFORMANCES. It is not only the parchment or the paper that should matter for the critical editor, but also the processes triggered by the change in material supports. Thus, for example, the popularization of cheap paper in the Komnenian and Palaeologan periods favoured the composition of texts in general and most probably changed the way texts were composed and the expectations of readers. Again, the fact that Byzantine epigrams were transmitted on different kinds of supports implies different modes of reading. This leads us to the importance of the ‘performance’ of the text: from the simple reading (silent or aloud, private or public) to the oral representation (with or without music, with an appropriate setting being required or not), for the reception and transmission of the text is highly determined by the performance for which it was conceived. This becomes evident through the scholia surrounding the main texts of the classical authors studied at the school, by the musical notations accompanying hymns, or even by the marginal chronological references to the day a saint is commemorated or to a Gospel fragment read during the liturgy. The emphasis on ‘performance’ is also crucial in ‘oral literature’. For example, for understanding the Digenis and the insoluble and never-ending debate about what came first, whether the learned or the vernacular version. There are obviously many texts where the mark of performance is not so evident, but it is in any case pertinent to consider the ‘performance’ as an integral part of the text and not just a stage of its transmission.

During the workshop we distributed these topics among different sections arranged mainly according to the typology of the texts analysed by the contributors. The choice of the topics was as comprehensive as possible, but from the very beginning we were conscious that not all kind of texts and genres could be dealt with for obvious reasons of funding and time. Thus, from our meeting we excluded the religious literature and more specifically

liturgical texts, which posed particular problems in so far as performance was determinant for their transmission. Popular texts, written in vernacular Greek, were not included either, although their interaction with oral traditions is a much-debated issue. Finally, literary genres such as epistolography or epigrammatic poetry, which are essential for understanding the anthologic and composite nature of many literary products of the Byzantine age, were also left out.

Moreover, it became evident throughout the course of the workshop that its original structure did not properly reflect the similarities and differences in the methodologies and approaches of the participants, who were following similar strategies (or not) with different kind of texts. In the end, therefore, the topics were arranged into five main sections, which we hope reflect more faithfully the intent and results of the research made on each specific case and combine references to the genre with the mode of analysis conducted by the contributors. As the future readers of this volume will perhaps be confused by the apparent diversity of topics and titles after taking a first look at the table of contents and will not easily detect cross-references, it should be said that all the contributions in this volume consider the problem of the transformation of texts in the course of the transmission; some of which act retrospectively by tracing back the sources of the final text, and others which act rather prospectively by paying attention to the metamorphosis of a given text in the course of its transmission. Although most of the contributors are principally philologists, some of them centre on the description of the manuscripts as bearers of the texts, while others conduct an analysis of the texts themselves, their structure, function or vocabulary. It was very satisfactory to notice that despite the different schools and methodologies, many contributors share a common approach to the texts, so that their emphasis and conclusions coincide to a great extent.

In the FIRST SECTION of the volume 'Language and style' we have included two papers that reflect mainly on the intentional transformation of texts from the point of view of their language and style. Focus is placed on the purpose of this reshaping of texts from the perspective of author and audience.

Martin HINTERBERGER (1.1) analyses Byzantine historiographical and hagiographical metaphraseis and distinguishes between the first, which represent a simplified version of the original, and the latter, which are more numerous and more interested in elevating the content to a higher stylistic (and linguistic) level and thus to making an older text more palatable to a modern audience. Hinterberger compares some samples of texts to make his point more evident for the reader. He also considers the choices available to the editors of such texts, which must be understood as autonomous literary works and not just as samples of text useful for philological analysis when compared with the original work.

Juan SIGNES CODOÑER (1.2) briefly surveys the vocabulary used by the Byzantines to refer to the process of rewriting texts, which has thus far not been studied in its totality. He stresses that, although the Byzantines rarely reflected openly upon the processes of rewriting, they did not lack occasions to categorize and label the kind of changes (such as extent, order, conflation and language) involved in the process of rewriting. Understanding Byzantine approaches will also help future editors of these texts to redefine ‘sources’ in a more flexible way than is generally the case.

In the SECOND SECTION we have grouped together four papers that deal with the process of creation of new (mostly miscellaneous) texts by a single writer (or eventually a literary circle) through the conflation and crossing of readings of previous works, thus allowing us not just to reconstruct how different readings combined into a single text, but also to identify the virtual libraries that lie behind the text.

A paradigmatic case is presented by the analysis conducted by Filippo RONCONI (2.1) upon the main and most ancient witness to the famous *Library* of Photius, MS Marcianus graecus 450, which he re-dates to the very end of the 9th century. Ronconi’s study consists of a stratigraphic analysis of the Codex in which he considers its codicological, palaeographical and textual aspects. This combination of perspectives allows the author to conclude that this codex was written by several hands working together upon a previous collection of summaries and excerpts of Photius’ readings and that, moreover, many single entries were written in

successive stages and thus acquired their final present form only in the Marcianus. We are thus facing a team of copyists who put the Patriarch's reading notes in order and created an overall structure for them, which poses the question of the authorship of the final product.

A different, but complementary approach is taken by Staffan WAHLGREN (2.2) for the *Miscellanea* of Theodoros Metochites; a work that presents a range of challenges, which are, significantly, very similar – and this despite the different period – to the one posed by the *Library* of Photius. This complex text, which was the result of Metochites' vast readings, has been transmitted in two manuscripts: Parisinus graecus 2003 and Marcianus graecus 532. These two manuscripts are not only very close in time to Metochites himself, but were perhaps even written during his own lifetime. As it appears, the Marcianus illustrates the process from draft to the first edition, while the Parisinus shows the way to the final version. Again, although we can trace back the stages of constitution of a text, we remain unsure about its definitive form in so far as 'publication' is more of a process than a single action or moment, as in the age of print. This observation has far-reaching consequences for the editorial task.

Filippomaria PONTANI (2.3) focuses on manuscripts that are in some way connected with Homer or the *Homerica*. He first singles out a *scholium* to the *Odyssey*, which is in fact an excerpt from Ps. Hermogenes penned in a Salentine manuscript around 1300 (Vindob. Phil. gr. 56) and derives it from the Hermogenes' readings of the copyist, perhaps to be related with the contemporary Salentine rhetorical manuscript Parisinus graecus 2970: again it is from the readings to the scholia and not the other way round that we should proceed in considering this small marginal note. Similar observations apply to a hitherto unpublished glossary of chiefly rhetorical terms that figures in the appendices to Zonaras' lexicon, and was compiled in the Planudean age, probably in or around Constantinople. It is based on the readings of rhetorical books and handbooks (mostly to be detected by a complicated *Quellenforschung*) by a learned scholar of the period and allows us to reconstruct his virtual library made up of heterogeneous and stratified texts, which were perhaps somehow connected with teaching.

Mariella MENCHELLI (2.4) approaches the problem of the diffusion in the Byzantine age of some apocryphal dialogues of the *Appendix platonica*, and, more specifically, of the *Alkyon* and the *Axiochus*. The case of the *Alkyon* is particularly interesting, for it experienced a double tradition both in the Platonic and in the Lucianic *Corpus*; a circumstance that did not escape the notice of Isaac Argyros (14th c.) who in Vaticanus Palatinus Graecus 174, containing the works of Lucian, wrote that the *Alkyon* was also present among the works of Plato. This intersection of data not only indicates that Argyros probably owned a manuscript of the works of Plato, but explains why the stemmatic tradition of this dialogue is contaminated between the Lucianic and Platonic branches.

The THIRD SECTION is devoted to the philosophical works, both monographs and collections of texts, for which we should assume a specific mode of transmission considering that they freely adapt and reuse the treatises of the classical writers according to the particular aims of the Byzantine author. However, as in the case of the commentaries, they do not always create autonomous pieces of text – as was the case with the metaphraseis – but must frequently be checked against the original in order to be understood.

A good example of this set of problems is provided by Pantelis GOLITSIS (3.1) in his study of the so-called *recensio altera* of the Commentary of Alexander of Aphrodisias to the *Metaphysics* of Aristotle. As he argues, an anonymous teacher, who might be Stephanus of Alexandria, used Alexander's commentary for his own courses on the *Metaphysics* and introduced various changes, thus creating not a *recensio* but a new commentary on the *Metaphysics* which was left hitherto unnoticed. In so doing, the anonymous teacher did not plagiarize his sources, but used them freely according to the practical sense and teaching uses of his age. The article further traces the reception of this anonymous commentary in the Byzantine era, namely its use as part of an integral commentary on Aristotle's *Metaphysics* in the 11th century composed by Michael of Ephesus, as well as its transformation according to the new needs of the 14th century.

Caroline MACÉ, Thomas WAUTERS and Lorenzo CUPPI (3.2) edit a short florilegium *De corpore et anima* preserved also among

other texts in the *Liber de definitionibus* attributed to Athanasius of Alexandria. Many manuscripts contain this florilegium with so many variants and particular readings that it is safe to conclude that none of them can be considered the model for the others. Editing this kind of open texts thus poses a major problem, not only because of the changing structure and size of the different florilegia containing the same chapters, but also due to the difficulty of tracing back the ultimate source of each item of information and how it was transmitted before being included in a particular collection. Their approach turns out to be a good example of the problem of establishing an archetype for a work that represents just a single link in a chain of interrelated texts and poses a challenge to the status of texts at Byzantium and a starting point for a more general reflection on the principles of stemmatic edition.

Barbara CROSTINI (3.3) examines the recent Teubner edition of Psellos' *Opusculum* 16 considered mutilus on the basis of a single 14th century witness, Matritensis Graecus 51, and completes it in the light of an unpublished fragment found in a late humanist miscellany, Trinity College Dublin 373. As it turns out, the original *Opusculum* 16 contained not just 15, but 22 pieces of Psellan 'logoi', so that the definition of the textual boundaries of this Psellan work needs to be radically revised. One point of the paper is that an editor cannot disregard the ordering of texts in manuscripts, but must always take it into account for evaluating the single texts as well as for the overall interpretation of an author. On the other hand, again the difficulty of fixing this kind of philosophical collections remains, as far as its shape and size varied in the different lines of transmission. It is therefore a genuine dilemma for the editor to 'decide which incarnation to represent in the published text', but it must always be avoided to dismember Psellos' texts following modern categories of content and subject matter that do not correspond to the more mixed evidence provided by the manuscripts.

Inmaculada PÉREZ MARTÍN (3.4) explores some issues of Psellos' textual transmission on the basis of some writings of his *Philosophica minora* 19–30, which contain some very specific physical questions drawn from Aristotle's *Meteorologica*, Olympiodoros' commentary to this text, and John Lydos. These writings,

edited together, were distributed in Laurentianus Pluteus 57.40, Parisinus graecus 1182 and Barocci 131 according to the different criteria, needs and even periods of both the life of Psellos himself and of later copyists of the Comnenian age. It can be assumed with some certainty that the initial circulation of Psellos' writings was due to his personal distribution to a specific correspondent or group of friends or pupils, but that this early stage is not easily reconstructed in the actual manuscripts that reflect later adjustments for subsequent audiences.

Finally, Erika GIELEN (3.5) studies the *De virtute et ascesi* (Περὶ ἀρετῆς καὶ ἀσκήσεως) of the 13th century Byzantine philosopher-monk Nicephorus Blemmydes. Through a detailed analysis of its contents, sources and manuscript tradition, the work is shown not to be 'a slavish imitation of Aristotle's highly popular *Ethica Nicomachea*', but rather to offer a 'unique combination of Aristotelian ethics and ideals of monastic asceticism', which is best explained by the belonging of the text to the *Typikon* written by Blemmydes for his own *Monastery of the Lord Christ Who Is*.

The FOURTH SECTION deals mainly with historiographical texts and, as is perhaps to be expected in works of this genre, with the sources used by authors to compose them. Emphasis is put more on chronicles than on histories, but the latter are also approached in so far as they form groupings of interrelated texts, as in the age of Constantine VII.

Michele BANDINI (4.1) deals with the *Epitome* of Zonaras, which enjoyed a wide circulation in Byzantium and now survives in 53 manuscripts dating prior to the 16th century. Bandini tries to shed light on this jungle by comparing a small section of Zonaras' work (Book 3 ch. 15–26) with its source, that is, Xenophon's *Cyropaedia*. The variants that are in accordance with the recensio z of Xenophon's text seem to be predominant and useful to clarify the transmission of Zonaras, for the manuscripts that preserve them should be closer to the original. However, we must take into account that Zonaras first summarized the text of Xenophon and then integrated it into his work, so that it is to be assumed that new variants originated during this process, which were certainly not in accordance with the original text but somehow also remained 'authentic'.

Jeffrey Michael FEATHERSTONE (4.2) explores the connections between the texts conventionally known as the *De Cerimoniis* and *Theophanes Continuatus*, whose composition was encouraged by emperor Constantine VII, although both were re-worked in their present form by Basil Lekapenos (d. 985) with the added purpose of flattering Nicephorus II Phocas (963-969) and celebrating Basil's promotion as President of the Senate. There are chapters like the promotion of Nicephorus II as preserved in the *De Cerimoniis* that could also work as the introductory part of a biography for the emperor in the so-called Book VI, the third section of *Theophanes Continuatus*. Moreover, this Book VI is very close to another contemporary source, 'Version B' of the Logothete Chronicle, and even follows its anti-Macedonian bias in some parts and its pro-Macedonian bias in others, especially for the sole-rule of Constantine VII. On the other hand, there are details of the Palace and ceremonies throughout the text of the *Continuatus* that are not to be found in the other versions of the Logothete Chronicle and that fit in perfectly well with the *De cerimoniis*.

Again, the existence of a common dossier of texts gives us a clue for understanding and editing a work, just as in the next paper of Paolo ODORICO (4.3), who scrutinizes the content of the Parisinus Graecus 1336. The author comes to the conclusion that it is a collection of excerpts and pieces of texts probably gathered in view of the redaction of a chronicle. The so-called *Parastaseis syntomoi chronikai* preserved in this manuscript are therefore not an autonomous work, but just a part of the original dossier copied in this manuscript. The same goes for the *Commentary on the Hexameron* attributed to Eustathius of Antioch, which occupies the first part of the Parisinus and was used as a source text for the composition of later chronicles and for the last part of the manuscript with the text of John of Antioch.

Andreas RHOBY (4.4) conducts a case study on the sources of Constantine Manasses' mid 12th century *Synopsis chronike*; a work consisting of more than 6600 political verses and a good example of the mixture of genres in 12th century Byzantium. Manasses deals with different kinds of sources, especially with earlier chronicles but sometimes also with the works of contemporaries, as for instance Tzetzes. His use of them is very self-conscious, but he is not so much interested in accuracy as he is in entertaining;

a circumstance that explains the scarcity of explicit references to the works he used. Manasses' technique clearly deviates from the kind of rewriting practised by the prose chronicles.

The FIFTH SECTION includes papers on the reception of juridical texts in the middle Byzantine period. One might surmise that the transmission of this kind of texts is particularly conservative as the wording of the law is supposed to be preserved unaltered in order to assure its application. As a matter of fact, Justinian himself took dispositions to avoid commentaries which could alter the text of the law as promulgated by him by referring to the original versions he expurgated. However, his provisions remained to a certain extent ineffective: the collapse of the Roman administration in the 7th century as well as the previous abandonment of Latin as the reference language in law favoured the appearance of summaries and compilations in Greek that at the same time preserved and altered the original sources.

Francisco Javier ANDRÉS SANTOS (5.1) deals with this apparent paradox. He first considers the fact that although, from a formal standpoint, Byzantine sources only aimed at translating and interpreting the corresponding passages of Justinian's legislation, discrepancies between the commentators and the legal texts soon appeared, which affected the original wording of the laws as transmitted into the middle Byzantine period. If the last interpretation is right, the Greek translations of classical jurists' texts made by the *antecessores* of Justinian's times and later could be a rich source to detect and understand interpolations carried out by later Justinian's compilers and could thus aid in a better reconstruction of the hypothetical classical Roman law. On the other hand, he further establishes a hierarchy of values of the juridical texts acting as potential sources, distinguishing between sources of production and sources of knowledge and distributing the main juridical texts of the Byzantine age in categories according to the function they were given by their users.

Daniele BIANCONI (5.2) considers the context of production and use of the juridical texts in Byzantium but now on the basis of the manuscripts' tradition, taking into account the miscellaneous character of most of the manuscripts and their reception in concrete areas or circles. Particular importance is given to the

non-juridical texts copied alongside the juridical ones, as for example grammars or *gnomologia*, as well as to the reuse of juridical texts for copying literary texts, as in the case of the Vaticanus Graecus 903: a palimpsest manuscript with the text of the *Iliad* in his scriptura superior and the *Basilica* in the inferior. A special case study is represented by the *Hexabiblos* of Constantine Harmenopoulos. Bianconi centres his analysis on Marcianus Graecus 183 (dated to 1359) and Vaticanus Ottobonianus Graecus 440 and their copyist, who was also responsible for the transmission of classical writers (tragedians, Plato, Aristides, Ptolemy), religious polemic writings and documents.

Massimo MIGLIETTA (5.3) considers a specific case, the dogmatic construction of *tutela praetoria* as put forward in Gaius 3.219, *Digest* 9.2 and *Institutes* 4.3.16 and its re-interpretation in the later juridical tradition from the *Paraphrasis* of Theophilos 4.3.16 to *Basilica* 60.3 (and its scholia). His research is conducted mainly from a juridical point of view but has consequences for the editor who must always consider whether the transformation of juridical texts is related to formal or to conceptual changes.

José-Domingo RODRÍGUEZ MARTÍN (5.4) employs a similar methodology for the reconstruction of a Roman procedural institution, the so-called *in duplum revocatio*. The search begins with *Digest* 12.6.23.1, which contains a passage of Ulpianus that might have been modified as it entered the *Digest*. The only way to check this point is to compare the text with the later Byzantine renderings or comments on this particular passage, such as *Bas.* 24.6.23 or especially a scholion of Thaleleus to *Bas.* 11.2.49, for this *antecessor* could have had access to a version of Ulpian's commentary on Sabinus that was free of interpolations. The hypothesis can be further checked against other pre-Byzantine sources, including Cicero. As a result, this minor case – from the point of view of the textual tradition – proves again that utmost care must be taken in handling a textual transmission that is constantly revisited and brought up to date by specialized users and copyists.

Finally, Thomas Ernst VAN BOCHOVE (5.5), after some preliminary questions concerning the character of the *Basilica* in contrast to the works of the *Corpus Iuris Civilis*, approaches the problem of the direct transmission of the text – that is to a great extent lacunose, so that even some books of the collection must even be re-

constituted on the basis of later testimonies – and the provenance of its valuable scholia. As new witnesses have recently appeared, some of them palimpsests, addenda and corrigenda to the Groningen edition are urgently needed, in which textual criticism and *Quellenforschung* will have to go hand in hand. As a case study, the author deals with the status quaestionis for the first book of the *Basilica*, which is directly transmitted by two manuscripts, Coislinianus Graecus 151 and Parisinus Graecus 1352. The first contains a text that strongly deviates from the text provided by the indirect transmission (as its copyist ‘replaced the authentic *Basilica* text by the original Greek constitutions or by verbatim translations stemming partly from the old *scholia*, partly from other sources’), while the second presents what appears to be some sort of epitome. An analysis is therefore conducted on the Justinianic *Novels* excerpted for this Book 1, in which Van Bochove uses as a guide the *index titulorum* of the *Basilica* preserved in some manuscripts and containing references to the original sources from which the text was drawn. This allows some conclusions not just about the sources of the *Basilica* but also about the transmission of the *Novels* of Justinian in the Macedonian age.

SECTION 1

LANGUAGE AND STYLE

MARTIN HINTERBERGER

Nicosia

BETWEEN SIMPLIFICATION AND ELABORATION: BYZANTINE METAPHRASEIS COMPARED*

In the pages that follow I shall present the preliminary results of a parallel investigation into two groups of texts: on the one hand, the anonymous reworkings of Anna Komnene's *Alexias* and Niketas Choniates' *Chronike diegesis* and, on the other, the so-called Metaphrastic menologion.¹ Both groups of texts belong to the broader category of 'metaphrasis'. In both cases, a new text obviously relies on an older model text ('the original') while at the same time significantly departing from this original in certain respects. It is the aim of this paper to show that in both cases these differences between the older and newer version of a text belong to the same categories. Whereas in the first case features of high style are removed or replaced, in the second case such elements are supplied in the place of less elevated features or simply added. A close comparison of old and new versions thus provides a measure for understanding the extent to which various linguistic and stylistic elements constitute the building blocks of Byzantine classicizing Greek. At the end of the paper, I shall present some thoughts on the way in which the edition of such a metaphrasis should or could reflect the dependence of an older text.

* I am indebted to John Davis for comments and correcting my English as well as to Laura Franco and Elisabeth Schiffer for sending me a copy of their PhD thesis.

¹ The metaphrasis of the *Alexias* was critically edited by Hunger 1981, the one of the *Chronike diegesis* partially by van Dieten 1979 and Davis 2004, a full edition of the latter is currently being prepared by John Davis and Martin Hinterberger. As my investigation is not yet finished, it is likely that in the end some of the results presented here will need to be modified.

1. *Metaphrasis in Byzantine literature*²

In Late Antiquity/Early Byzantium the term metaphrasis occurs in the sense of ‘translation’, from one language to another, e.g. from Latin to Greek, and more often with the meaning ‘transposition’³ or intralingual translation from one literary register to another, normally from one metrical form to another (e.g. Marianos’ recasting of Theokritos’, and Apollonios Rhodios’ hexametrical works into iambs) or from a non-verse form to verse (e.g. empress Eudokia’s reworking of the Oktateuch and other Old Testament books into hexameter), and the reverse, i.e. from metre to prose.⁴ In all instances the metaphrasis is the reworking of an already existing text, casting it into another genre/metrical form or prose. The metaphrasis thus consists either in elaborating or in simplifying an already existing text.⁵

Also during the later Byzantine centuries such transpositions from prose into metre were produced. John Geometres (10th c.) wrote a metaphrasis of the Odes as well as a metaphrasis of the Life of Saint Panteleemon, both in iambic trimeters.⁶ Manuel Philes (14th c.) rewrote the Psalms into iambs and is also credited with the metaphrasis of an Aesopian myth as well as with the metaphrasis of the Akathistos hymn again into iambs.⁷ During the very last period of Byzantium Georgios (later Gennadios) Scholarios rewrote one of Synesios of Cyrene’s hymns in prose.⁸

A special group of metaphraseis are adaptations of older texts concerning the life or the cult of a saint.⁹ Numerically this group forms the vast majority of metaphraseis in Byzantine literature.

² Cf. Demoen 2004, p. 171–172. See also the list of ‘paraphrased authors’ provided by Ševčenko 1981, p. 309, n. 70.

³ The term ‘transposition’ has been used by Horrocks 1997, p. 165–166 and 196.

⁴ Cf. Photios, *Bibliotheca* cod. 183 und 184.

⁵ For a detailed analysis of the meaning of ‘metaphrasis’ vs. ‘paraphrasis’ see Juan Signes’ paper in the present volume.

⁶ De Groote 2004; Demoen 2004.

⁷ Stickler 1992. Manuel Philes, *Carmina* II 37 (I 213–214, Μετάφρασις εἰς μῦθον κοινόν) and V 1 (II 317–333, ... μετάφρασις τῶν οἰκῶν τῆς ὑπεραγίας θεοτόκου). For Byzantine and post-Byzantine metaphraseis of Aesopian texts in prose see Eideneier 2011.

⁸ Georgios Scholarios, *Opera* IV 369–371.

⁹ Paschalides 2012, provides a useful overview. See also Flusin 2011, Hinterberger 2009, p. 72–81, Demoen 2004, Høgel 2002 and 1996, Efthymiadis 1991.

The production of hagiographical texts was closely linked to the cult of saints whose veneration required the constant renewal of the texts and particularly *encomia*, a form more appropriate than other hagiographical genres for use during feasts and ceremonies dedicated to the saints.¹⁰

Sporadically the hagiographical metaphrasis appears already in the 6th century and subsequently developed into a standard component of Byzantine literature. The hagiographical metaphrasis, too, consists in the recasting of an older text into a different, usually higher, stylistic register.¹¹ Basically all later reworkings of hagiographical texts can be regarded as such, which means that for certain saints there exists an entire chain of metaphraseis.¹²

According to Paschalides 2012, initially the objective of the hagiographical metaphrasis was, primarily, to provide a dogmatically correct text and, secondarily, to recast the text into a more demanding register from the literary perspective. I would add a third aim, namely clarification (of content that could be perceived as dogmatically dubious, or more generally as obscure or misleading) and improvement of the narrative structure and coherence of the text, which for Symeon the Metaphrast seems to have been a key issue.¹³

Already in the early period of hagiographical metaphraseis, this recasting into a new literary/stylistic form normally accompanies a shift from one literary genre to another, most frequently from a *passio* to an *encomium*. One of the oldest examples of such a text is the *Encomium of Anastasios the Persian* composed by George of Pisidia on the basis of the old Acts of the saint.¹⁴ Niketas Paphlagon, the most productive author of hagiographical texts in the 10th century, wrote primarily such *encomia* of

¹⁰ Cf. Högel 2002, p. 45–51; cf. Hinterberger 2009, p. 63 and 71.

¹¹ Schiffer 1992, pointed to the fact that Symeon Magistros' metaphraseis not always moves upwards. The Metaphrast tried to avoid manneristic language and to bring all texts in an homogenous form; see also below, p. 46–52.

¹² See also the reworkings of older hagiographical texts into hymns, where a similar process as the one described below can be observed; cf. Giannouli 2014.

¹³ Cf. Schiffer 1999, p. 155–157; Högel 2002, 135–149 (authority in the text).

¹⁴ Flusin 1992, p. 194: 'pour l'essentiel, nous nous trouvons ici devant une métaphrase, une réécriture des Actes'.

saints based on older, less elaborate (and occasionally dubious) *martyria*.¹⁵

Often these texts were simply called *metaphrasis* (μετάφρασις εἰς τὸν ...), which reflects the fact that during the 9th-10th centuries the hagiographical *metaphrasis* had developed into a hagiographical genre in its own right.¹⁶ Hagiographical *metaphraseis* reached their absolute peak with the so called *Metaphrastic Menologion*, a collection of 148 texts, most of them adaptations of older versions, which rapidly spread from Constantinople to all parts of the empire and to a large extent replaced hitherto existing older texts about the same saints. As far as we know the compiler/author of this influential collection, Symeon Magistros, later known as ‘the Metaphrast’ (Συμεὼν ὁ Μεταφραστής), was the first to rewrite old *Lives* into, stylistically speaking, more sophisticated new *Lives* (the *menologion* consisting primarily of *vitae*, and *passiones* and *hypomnemata*, besides a few *encomia*), raising the stylistic level without, however, changing the generic character of the text.¹⁷ Already shortly after Symeon’s death his collection of texts was referred to by other Byzantines simply as ‘the *metaphraseis*’ (αἱ μεταφράσεις).¹⁸ Symeon became the *metaphrast* par excellence whereas his collection became synonymous with the term *metaphrasis*. Thus (hagiographical) *metaphrasis*, had not only become a discrete literary genre, but was often identified with a specific work.

Occasionally other *metaphraseis* were produced after the composition of Symeon’s *menologion*; yet only during the early Paleologan period (the last decades of the 13th and the first decades of the 14th century) did another wave of *metaphraseis* appear.¹⁹ Among these texts again the *encomium* dominates. The main characteristics of these late Byzantine *metaphraseis* in comparison to older texts, the *menologion* included are still further rhetorisation and classicization. Hagiographical *metaphraseis*

¹⁵ Paschalides 1999.

¹⁶ Lackner 1980, p. 101; Efthymiadis 1991, p. 28-29.

¹⁷ This applies only as a general rule which is confirmed by exceptions; e.g. the *Metaphrastic vita* of Ephraem (BHG 584) is based on an older *encomium* attributed to Gregory of Nyssa (BHG 583). *Encomia* written by Niketas Paphlagon were used for the composition of *hypomnemata*; cf. Flusin 2011, p. 92f.

¹⁸ E.g. Eustathios Boilas, *Testament* 154 (a. 1059); see also Högel 2002, p. 152.

¹⁹ See Talbot 1991, Hinterberger 2010 and 2012.

continued to be written even after the final fall of Constantinople, culminating in a last significant metaphrastic wave during the 16th and 17th centuries.²⁰

2. *Historiographical metaphraseis*

Whereas the hagiographical metaphrasis is a diachronic phenomenon of Byzantine literature (and beyond), represented in a significant number of texts, the second group of metaphraseis under scrutiny in this paper consists of three works dating to the middle of the 14th century:²¹ the metaphraseis of Anna Komnena's *Alexias* (= MA), of Niketas Choniates' *Chronike diegesis* (= MCh) and of Nikephoros Blemmydes' *Basilikos andrias*.²²

The metaphrasis of Blemmydes' text is the simplified version of a highly rhetorical *speculum principis*. The two authors/metaphrasts, who in this case are known by name and sufficient biographical features, transformed the original text in a way quite similar to MA and MCh. The simplifications in the metaphrasis of Blemmydes' text, however, do not go as far as in the case of the historiographical metaphraseis, probably because of the nature of the text, which is rather a treatise than a narrative. For this reason it will not be taken into account for the following comparison.

Since the study of Hunger 1981 on MA, Byzantinists have been referring to these texts as metaphraseis. This label though is only weakly supported by the texts themselves and the manuscripts preserving them. Unfortunately all manuscripts of historiographical metaphraseis, one for MA, four for MCh, are mutilated and therefore without title. So we do not know with certainty how the Byzantines themselves referred to these texts.²³ Although the titles of MA and MCh are not known to us, we can reasonably assume that they contained, in some form, the word *μεταφράζω*, probably in the formula *λόγος ... μεταφρασθεὶς πρὸς τὸ σαφέστερον*, as in the title of the metaphrasis of Blemmydes'

²⁰ Paschalides 2011, 88 with further bibliography.

²¹ For the dating see Davis 2010, p. 68–69.

²² The reworking of Georgios Pachymeres' *History*, sometimes characterized as metaphrasis, is rather an epitome (sporadically presenting metaphrastic character); cf. Failler 2001, p. XII–XIII.

²³ Davis, 2010, p. 58–60.

text and interestingly in the title of Georgios Scholarios' metaphrasis of Synesios' poem too.²⁴

The historiographical metaphrasis can be characterized as the simplified edition of a historiographical text, which means that vocabulary and syntax are recast according to the rules of a much simpler stylistic and linguistic register. Furthermore, in the metaphraseis much of the rhetorical embellishment which makes the original historiographical texts the eminently literary texts they are, is removed. Generally speaking, these metaphraseis aim at extracting the historical information provided by the original text, without being interested in their literary ambitions. This does not mean, however, that historiographical metaphraseis, at least from a modern perspective, are devoid of literary merits, for they preserve the narrative thread of the original. These metaphraseis also are not mere simplifications, but at several points change the original meaning or attempt to explain it.²⁵

Both the rewriting of hagiographical texts by Symeon and the 14th century simplified versions of historiographical texts belong to the broader category of metaphrasis. In order to use the expression Juan Signes and Inmaculada Pérez Martín proposed in their introductory remarks to this volume, both groups of texts discussed in this paper constitute a remake, with the ambition to be better than the previous version. Of course the criteria for the improvement in each case differ: Symeon's project aimed primarily at stylistic elaboration, the Paleologan metaphraseis at simplification. The metaphrastic process of the one moves in the opposite direction of the other.²⁶ This of course does not mean that the model texts Symeon used for his endeavour resemble very much the product of the 14th century's reworking of Anna Komnene's and Choniates' histories. The metaphrastic processes underlying both groups of texts show a remarkably high degree of convergence. In both cases, differences between model text and metaphrastic product concern the same linguistic areas. It is the absence or presence of these specific linguistic features that

²⁴ Hunger & Ševčenko 1988, p. 45. Georgios Scholarios, *Opera*, IV, p. 369.

²⁵ Davis 2009, esp. p. 155–158.

²⁶ Browning 1978, p. 125: '[...] these writers [= the authors of MA and MCh] are doing the exact opposite of what had been done by Symeon the Metaphrast in the 10th century.'

marks a classicizing or non-classicizing (as the case may be) register in Byzantine literature.²⁷ For anyone lacking the seasoned Byzantinist's 'instinct' concerning the tantalizing question of levels of style, the parallel comparison of Symeon's metaphraseis and the historiographical metaphraseis with their respective originals will provide useful indicators for stylistic variation in Byzantine literature.²⁸ I believe that the common features which emerge from both metaphrastic processes comprise the hallmarks of classicism, the indispensable components that the aspiring high literary stylist employed to adorn his discourse.²⁹

3. *Characteristics of transformation of MA and MCh*

Let's take a closer look at the changes that the original historiographical texts underwent during the metaphrastic process. In ch. XII 3 Anna Komnene gives a description of her mother's exemplary way of life. In the following table passages/words which remain as they are in the original are underlined, words which appear in both texts but are somehow modified (mostly syntactically) are in italics. Bold type finally marks those passages/words which have been replaced by others, preserving though the overall sentence structure. Combinations of these three different relations are possible. Strikethrough marks those words/passages which disappear in the metaphrasis and will be commented on below.³⁰

²⁷ Browning 1992, p. 29, when speaking about MA, MCh and similar texts, used the very apt term 'declassification', in order to describe the process these works had undergone; cf. Davis 2010, p. 67.

²⁸ Cf. Ševčenko 1981, p. 291: '[...] for a working Byzantinist does not need a precise definition of levels of style. He perceives them instinctively, in terms of his everyday practice'. The features characteristic of high level style that Ševčenko instinctively listed are of course correct. What I aspire to provide here is a fine tuning of the criteria and a textual foundation for these criteria. In the limited framework of the present paper it is, of course, impossible to treat this subject exhaustively.

²⁹ It was again Browning who pointed out the fact that Byzantine classicism rather was a 'conceptual classicism'; Browning 1978, p. 107 (cf. also p. 117 und 120).

³⁰ I restrict myself to this simple system which is sufficient for the aim of my presentation. Hunger 1981 developed a sophisticated system of typographical presentation that allowed him to depict separately every category of change he had identified and analyzed.

ANNA COMNENA,
Alexias XII 3,1

MA 154-156

[...] οὐ μιν οὐδὲ περὶ τὰ ἀνάκτορα ὅλως ἐνδιατρίβειν ἔτι ἡνεύχεται· *ἐξεληλυθὼς*; δὲ τοῦ Βυζαντίου, ὡς ἄνωθεν εἴρηται, κατὰ τὸ μέσον τῶν ἐσπερίων ἐληλύθει χωρὼν τὴν *Θετταλοῦ πόλιν καταλαβὼν εἰς μῆνα Σεπτέμβριον ἐπινεμήσεως τεσσαρεσκαίδεκάτης εἰκοστοῦ πέμπτου ἔτους ὄντος*, ἐξ οὗ τὰς τῆς βασιλείας ἡνίας περιεζώσατο. *καὶ τὴν αὐγούστην δὲ παρεβιάσατο συνεξεληλυθῆναι μετ' αὐτοῦ.*

ὁ γὰρ τρόπος ἐκείνης τοιοῦτος τίς ἦν οὐ πάντις δημοσιεύσθαι ἤθελεν, ἀλλὰ τὰ πολλὰ μὲν οἰκουροῦσα ἦν καὶ τὰ ἐκείνης ἔργα ἐποίει, λέγω δὲ βιβλῶν τὲ ἀνελίζεις τῶν μακαρίων ἀνδρῶν καὶ τὸ πρὸς ἑαυτὴν ἐπιστρέφειν καὶ εὐποιᾶς καὶ χάριτας εἰς ἀνθρώπους, *μάλιστά δὲ εἰς ἐκείνους οὓς οἶδεν ἀπὸ τε τοῦ σχήματος ἀπὸ τε τοῦ βίου* θεραπεύειν Θεὸν καὶ προσευχὴν προσανέχειν καὶ καταλήλοις ψδαῖς.

ἐπειδὴν δὲ μέλλει δημοσιεύσειν ἑαυτὴν κατὰ τινα χρειαὴν ἀναγκαιοτάτην ὡς βασιλίδα, αἰδοῦς τὲ ὑπερίμνητο καὶ ἐρύθημα εὐθὺς ἐξηγηθήκει ταῖς παρειαῖς.

(154) [...] ἢ εἰς τὸ παλάτιον προσεκαρτέρει; οὐδαμῶς.

ἀλλὰ ἐξελθὼν καὶ αὐτὸς ἀπὸ τῆς πόλεως, καθὼς εἶπον, κατέλαβεν εἰς *Θεσσαλονίκην* κατὰ τὸν *σεπτέβριον μῆνα* τῆς *τεσσαρεσκαίδεκάτης ἰνδικτιῶνος* εἰκοστὸν χρόνον ἔχων τότε ἐν τῇ βασιλείᾳ, *ἐβίαζε δὲ καὶ τὴν δέσποιναν μετ' αὐτοῦ ἐξελθεῖν.*

(155) ἐκείνη δὲ οὐκ ἠγάπα παρησιάζεσθαι, ἀλλ' ἤθελεν ἐντὸς τοῦ οἴκου αὐτῆς εὐρίσκεισθαι. ὁ τρόπος γὰρ καὶ τὸ ἔργον ἐκείνης οὐδὲν ἦν ἄλλο εἰ μὴ θείων βιβλῶν ἀναγνώσεις καὶ ἑαυτὴν συντηρεῖν καὶ ἐλεημοσύνας καὶ εὐεργεσίας εἰς ἀνθρώπους ποιεῖν καὶ ἐπὶ πλεονεξίας ἐκείνους, οὓς ἀπέβλεπεν, ὅτι καὶ ἀπὸ σχήματος καὶ ἀπὸ πράξεων εὐαρεστοῦσι Θεῷ. (5)

(156) εἰ δὲ καὶ διὰ τὴν τῆς βασιλείας χρῆσιν ἀνάγκη ἦν παρησιασθῆναι, τότε ἀπὸ τῆς ἐντροπῆς τὰ μάγουλα αὐτῆς ἐκοκκίνιζον.

The metaphrasis follows closely the model text, as the underlined passages and the ones in italics show. Already in the first paragraph of the metaphrasis however we observe characteristic modifications in respect to Anna's text. The metaphrasis sticks to common Byzantine terminology and therefore has *παλάτιον*, *ινδικτιῶνος* and *δέσποιναν* instead of the classicizing *ἀνάκτορα*, *ἐπινεμήσεως* and *αὐγούστην*. For the same reason, when refer-

ring to Constantinople, it characteristically substitutes, simply, ἡ πόλη for the learned variant τὸ Βυζάντιον. To the same category of lexical changes belong αἰδῶ > ἐντροπῇ, δημοσιεύεσθαι > παρορσιάζεσθαι, φίλτρον > ἀγάπη, ἀνελίξεις > ἀναγνώσεις. In some instances, truly vernacular vocabulary is substituted for terms foreign to everyday language (e.g. ἐκοκκίνιζον for ἐρύθημα ἐξηγήκει). The metaphrasis keeps the syntactical pattern of the Alexiad (with its participles and the infinitives), but replaces perfect stem forms with their correspondent aorist forms (ἐξεληλυθὼς > ἐξελθὼν, συνεξεληλυθῆναι > ἐξελθεῖν). Accordingly, the pluperfect ἐληλύθει gives way to the aorist κατέλαβεν as does εἰρήκει to εἶπεν and ἐξηγήκει to the imperfect ἐκοκκίνιζον. The medium παρεβιάσατο is replaced by the active ἐβίαζε. Certain morphological categories present in Anna's text disappear completely in the course of the transposition as e.g. μι-verbs (ὑπεπίμπλατο), the optative (μέλλοι), the future infinitive (δημοσιεύσειν) or the already mentioned pluperfect. Likewise the hyperbaton, a rhetorical figure quite frequently encountered in Anna's text (e.g. κατὰ τὸ μέσον τῶν ἐσπερίων ἐληλύθει χωρῶν), disappears.³¹ Periphrases consisting of verb + noun or participle + auxiliary are replaced with simple verbal forms (ἐρύθημα ἐξανθεῖν > κοκκινίζειν, οἰκουροῦσα ἦν > εὐρίσκεισθαι [ἐντὸς τοῦ οἴκου]). Hunger 1981 provided a detailed list of this kind of replacements.

The same categories are to be found in MCh too, as the following passage, the beginning of the chapter on the short reign of Manuel's son Alexios, may illustrate.³²

NIKETAS CHONIATES, *Chronike Diegesis* 223f.

Καὶ οὕτω μὲν ὁ Κομνηνὸς Μανουὴλ καταλύει τὸν βίον· βασιλεύει δὲ μετ' αὐτὸν ὁ ἐκείνου παῖς Ἀλέξιος· οὕτω καθαρῶς τῆς ἡβῆς ἀψάμενος, ἀλλ' ἔτι παιδοκόμων καὶ

MCh, ed. Davis 2004, II p. 179f.

Καὶ οὕτω μὲν ὁ βασιλεὺς Μανουὴλ καταλύει τὸν βίον· βασιλεύει δὲ μετ' αὐτὸν ὁ ἐκείνου υἱὸς Ἀλέξιος· οὕτω καθαρῶς τοῦ δωδεκάτου χρόνου ἀψάμενος,

³¹ I believe that the hyperbaton is especially significant as a marker of high style language. As it aims at an alienating effect by breaking basic rules of word order of 'normal speech', it is almost absent from non-classicizing texts.

³² For parallel changes in MA and MCh see also Davis 2010, p. 63–66.

τιθεντορίας δέομενος. πλημμελῶς
τοῖνυν καὶ ἀχρεῖως τὰ Ῥωμαίων
ἔφερετο πράγματα καὶ χειρόνως
 ἢ ὅτε ὁ Φαέθων τὴν ἐν ἄστροις
 οὐρανοῦ τέμνειν ὁδὸν ἐπεβάλετο
 τοῦ πατρικοῦ καὶ χρυσοκολλήτου
ἐπιβάς ἄρματος. αὐτὸς μὲν γὰρ ὁ
κρατὼν διὰ τὸ τῆς ἡλικίας ἀτελες
καὶ τὸ τοῦ τὰ συνέτισσεντα φρονεῖν
 ἐνδεὲς οὐδενὸς ἦν τῶν (10) καθη-
κόντων ἐπιστρεφόμενος, κούφοις
 δὲ τρεφόμενος πνεύμασι καὶ τὸ
χαίρειν καὶ τὸ λυπεῖσθαι μήπω
 μεμαθηκῶς ἀκριβῶς κυνηγεσίους
 προσανείχε καὶ ἱππηλασίους προσέ-
κειτο, παιδαρίους συμπαίγμοσι
συγγινόμενος καὶ τὸ ἥθος ἐν τοῖς
χειρίστοις τυπούμενος.

οἱ δὲ γε **πατρώοι** τοῦτω **ἐταίροι**
καὶ οἱ καθ' αἶμα **δήπου** **προσήκο-**
ντες **ἐτέροις** τὸν νοῦν **προσέχοντες**
 τῆς (224) τοῦτου καλλίστης **κατη-**
μέλου **ἀγωγῆς** **καὶ τροφῆς** **καὶ τὰ**
κοινὰ **φθειρόμενα** **παρεβλέποντο.**
οἱ μὲν γὰρ τῆς **βασιλίδος** ἥρων **καὶ**
ἐπείρων, **ἐπαφροδίτως** **βοστροχι-**
ζόμενοι, **καὶ τὸν** ταύτης **ἀντέρωπα**
θηρώμενοι **ἐμυροῦντο** **νηπιωδῶς**
καὶ ἐμπτροῦντο **γυναικωδῶς** **περι-**
δεσφαίσις **λιθοκόλλοις** **καὶ ὅλοις** **ἐς**
ἐκείνην **ὀφθαλμοῖς** **ἐνηγνέζον·**

οἱ δέ, χρηματιστικοὶ ὄντες καὶ
(5) δημοβόροι, παρνεοφίζοντο
τὰ δημόσια ταῖς τε ἐφευρημέναις
δαπάναις ἀφειδέστερον χρώμε-
νοι καὶ νέας προσφευγίσκοντες,
ἵν' ἔχοιεν οὕτω τὸ χθὲς κενὸν καὶ
σύσπαστον βαλάντιον πλήρες καὶ
διωδικὸς σήμερον·

οἱ δέ, τοῦ βασιλεύσεν ἔχοντες
ἔφεσιν, πρὸς τοῦτο τὸν οἰκεῖον
σκοπὸν συνέτεινον ἅπαντα. ὥς
γάρ τινος παιδαγωγοῦ γενναίου

ἀλλ' ἐτι χρηζών καὶ βασιούλου καὶ βυζαστορίας. πλημμελῶς οὖν καὶ ἀχρείως τὰ τῶν Ῥωμαίων ἐφέρο-
ντο πράγματα καὶ χειροτέρας ἢ
ὅτε οὗ τοῦ ἡλίου παῖς Φαέθων ἐν
τοῖς χρυσοκολλήτοις ἄρμασι τοῦ
πατρὸς ἐπέβη. αὐτὸς γὰρ ὁ βασι-
λεύς, διὰ τὸ τῆς ἡλικίας ἀτελὲς καὶ
τὸ νηπιῶδες φρόνημα, οὐδενὸς ἦν
τῶν προπόντων ἐπιστρεφόμενος,
ἕνα ἡγοούμενος καὶ τὴν λύπην καὶ
τὴν χαράν, κυνηγεσίῳ δὲ προ-
σέκειτο καὶ παιδαρίοις μικροῖς, ἐν
ᾗθεσι κακίστοις ἀναστρεφόμενος.

οἱ δὲ γὰρ τοῦ πατρὸς αὐτοῦ φίλοι
καὶ συγγενεῖς ἐν ἄλλοις εἶχον τὸν
νοῦν καὶ τῆς πρὸς τὸ καλὸν ἀγω-
γῆς καὶ ἀνατροφῆς κατημέλουν
αὐτοῦ, καὶ τὰ κοινὰ φθειρόμενα
καὶ ἀφανιζόμενα παρεβλέποντο.
οἱ μὲν γὰρ ἐπεθύμουν βασιλεύ-
σαι, καὶ ἐδοκίμαζον καὶ ἐσχημα-
τίζοντο, τὰ μαλὶα αὐτῶν καλλω-
πίζοντες ὡς γυναῖκες καὶ μύρα
ἀλειφόμενοι καὶ περιδέραια ἐν
τοῖς τραχήλοι αὐτῶν ἔχοντες, καὶ
ὅλον εἶχον τὸν νοῦν πρὸς τὸ βασι-
λεῦσαι.

ἔτεροι δὲ ἔνοχοι ὄντες τῶν δημο-
σίων ἔκλεπτον τὰ δημόσια καὶ τὰ
μὲν τῶν κεφαλαίων συνέλεγον, τὰ
δὲ καὶ προσετίθουν, ἐτέρας νέας
ἀπαιτήσεις ἐφευρίσκοντες ἵνα τὰ
σακούλῳ αὐτῶν ἅπερ πρότερον
ἐξεκένωσαν γεμίωσιν·

οἱ δέ, ἐπιθυμίαν τῆς βασιλείας
ἔχοντες, πρὸς τὸν σκοπὸν αὐτῶν
τὰ πράγματα μετεχειρίζοντο. καὶ
ὥσπερ διδασκάλου τινὸς μέσον

καὶ ἐμβριθοῦς (10) ἐκποδὼν γε-
γεννημένου, ἀταξίας τὸ πᾶν ἐπε-
πλήρωτο, ἐκάστου τὸ οἰκεῖον με-
ταδιώκοντος ἐφετὸν καὶ ἀλλήλοις
ἀπάντων ἀντιπραττόντων, ἢ κίο-
νος ὑποσπασθέντος ἐδραίου καὶ
ἀστροβοῦς πρὸς ἐναντίαν φορὰν
ἀπονενεύκεισαν ἅπαντα.

σχολείου καθημένου μετὰ παίδων
πολλῶν, καὶ ἀπὸ τοῦ φόβου τάξιν
ἔχοντα τὰ παιδία, εἴτα τοῦ διδα-
σκάλου ἐξελθόντος ἐν ἀταξία οἱ
παῖδες γεγέννηται, ἐκάστου παι-
δὸς τὴν οἰκεῖαν γυρεύοντος ὄρε-
ξιν, ἢ κίονος ὀρθοῦ καὶ στερεοῦ
ἰσταμένου καὶ ἐπάνωθεν βάρους
κρατοῦντος, ἐπειδὴν ὁ κίων ἀπὸ
τῆς αὐτοῦ στάσεως παρατραπῇ τὰ
πάντα μεταστρέφονται, οὕτω καὶ
τότε συνέβη γενέσθαι, καὶ πρὸς
ἐναντίαν φορὰν ἅπαντες ἐβλεψαν.

As in MA, in this text also the most conspicuous change consists in the replacement of lexical items which were clearly not readily intelligible or were decidedly unfamiliar, see for instance the replacement of classicizing τιθεύτρια, παιδοκόμος, δεόμενος, βαλάντιον, παρανοσφίζω with βυζάστρια, βαΐουλος, χρήζων, σακούλια, κλέπτω. The next category of changes that strikes the eye concerns certain morphological categories of the verb (part. fut. συνοίσοντα, part. perf. act. διωδηκὸς, future infinitive βασιλεύσειν, optative ἔχοιεν), which again are absent from MCh. Periphrases as οἱ καθ' αἶμα δήπου προσήκοντες are replaced with a simple noun συγγενεῖς. In Choniates' text the hyperbaton is even more frequent than in the Alexiad. In the above passage alone it appears five times, whereas in MCh it is entirely absent, apart from the very first occurrence (l. 7) where I believe the metaphrast, for unknown reasons (fatigue?, distraction?, negligence?), decided to follow the model closer than usual.

Besides the changes already noted in the above abstract from MA, we observe here that the metaphrasis is not a word for word translation.³³ As becomes evident from the juxtaposition of the two texts, MCh, like MA, in general shortens the original. Only in one instance is the text of MCh longer, because the metaphrast requires more words to explain the simile of the absent teacher, as used by Choniates.

³³ Cf. Davis 2009.

Comparing other parts of the original with the metaphrasis we also observe that in the latter what we could call rhetorical embellishment e.g. comparisons (especially with figures of ancient Greek mythology), *sententiae*, proverbs, but also quotes, is entirely removed.³⁴ All in all, the procedure is best described as ‘declassification’.³⁵ The result however is not a text written in the vernacular of the 14th century, but a written language destined for the simple and unadorned transfer of information, which avoids features that are totally foreign to the spoken language, but does not shrink from using certain participles and infinitives. This language form was aptly called written koine.³⁶

4. *The metaphraseis of Symeon Magistros*

While it is fairly clear on what principles the reworking of the Alexias and Choniates’ History was conducted, the issue is more complicated in the case of Symeon’s metaphraseis. As in the case of historiographical metaphrasis, direct statements concerning the goal of the metaphrastic project in the form of a prologue are missing. We have to look on later assessments (which do not necessarily reflect the original intention) and to compare the metaphrastic texts with their presumed models in order to get an idea of how Symeon transformed the older texts.³⁷ Unlike the historiographical metaphraseis, the main objective of Symeon’s reworking was not to make factual information accessible to a readership that was insufficiently familiar with high style Greek. Rather, the metaphrastes’ task was to present the same factual information as the older text had provided, but wrapped in a new literary cloak. The answer to the question exactly what principles Symeon – as all other metaphrastes – followed in order to produce a new text,

³⁴ What Davis 2009, p. 159, calls the ‘poem’ in Choniates’ text.

³⁵ See above, note 27.

³⁶ Hans Eideneier coined the term *Schriftkoine*, i.e. written koine or common written language. Subsequently the term was adopted by Hunger in his studies devoted to the historiographical metaphraseis; see Hunger & Ševčenko 1988, p. 30. See also Davis 2009, p. 163. Horrocks 1997, p. 196 speaks of the ‘normal’ written Greek of educated Byzantines’, and of ‘a fairly simple variant of the emerging written standard’.

³⁷ Schiffer 1999; Høgel 2002, p. 138–149; Franco 2009.

may bring us nearer to an understanding of Byzantine literary aesthetics and how these aesthetics changed over time.³⁸

If we analyse Symeon the Metaphrast's work the exact reverse phenomena of those we have noticed in MA and MCh can be observed. Let us take a look at ch. 7 of Symeon's version of the *Passio* of Anastasios the Persian alongside the corresponding passage in the old Acts that served as Symeon's model.³⁹

Acta 14–15, ed. Flusin 1992

[...] **Λέγει** αὐτῷ ὁ ἀββάς· «Τί γάρ ἐστι τὸ πρᾶγμα, καὶ πόθεν δηλονότι μέλλεις ἀποθνήσκειν ἐν ταύταις ταῖς ἡμέραις;» Ὁ δὲ διηγέσατο αὐτῷ τὸ ὄραμα καὶ δισχυρίζετο ὅτι πάντως μέλλει ἐν ταύταις ταῖς ἡμέραις ἀποθνήσκειν εἴτε τὸν κοινὸν θάνατον, εἴτε καὶ ἄλλως πως· **ἐφοβεῖτο γὰρ φανερώς** εἰπεῖν, ἵνα μὴ ἐπιτιμῇ αὐτῷ. (15)

SYMEON, *Passio of Anastasios* (BHG 85), ch. 7, ed. Flusin 1992

Πρὸς ταῦτα ἐκείνος ὑπολαβὼν, «Τί δὲ τοῦτό ἐστιν», ἔφη. «καὶ πόθεν ἂν γένοιτο δηλον, ὅτι μέλλεις τό γε νῦν ἔχον τὴν τελευταίαν ἐκδημήσειν ἀφ' ἡμῶν ἐκδημίαν;» Ὁ δὲ τὸν ὄνειρον αὐτῷ μεθ' ὅσης ἂν εἴποις διηγείται περιπαθείας, καὶ ὅτι περ ἀποθανεῖται πάντως οὐ μετὰ πολὺ διατείνεται, εἴτε τὸν κοινὸν δὴ τοῦτον καὶ ἴσον τοῖς πολλοῖς θάνατον, εἴτε τινὰ ἄλλον καὶ τρόπον ἕτερον, ἀποθανεῖται (5) δ' οὖν ὁμως. Οὐ γὰρ εἶχεν ὅπως ἀπογυμνώσει φανερώς τὸ ἀπόρητον, ὁποῖος ἀπ' ἀρχῆς ἔρως αὐτῷ μαρτυρίου ἐντέτηκε τῇ ψυχῇ, πρὸς ὃν ἐκείνος ἀνέφερε τοὺς ὄνειρους. **Ἐδεδίει γὰρ μὴ** καὶ τυχὸν ἐπιτιμηθεῖ παρ' αὐτοῦ, καὶ τὴν θέρμην οὕτω τῆς ψυχῆς διαψυχρανθεῖ, καὶ πλοῦτου τοσούτου διαπέσει καὶ θησαυροῦ. Τότε μὲν οὖν παρακληθεὶς Ἀναστάσιος τὴν καρδίαν πολλαῖς τοῦ διδασκάλου καὶ φιλοθέοις (10) ταῖς παραινήσεσι, τὰς ἐωθινὰς ψαλμωδίας Θεῷ μετὰ τῶν ἀδελφῶν ἀποδίδωσιν.

³⁸ Hinterberger 2010.

³⁹ Hagiographical texts are referred to as BHG according to the numbering introduced by Halkin 1957.

(15) Εἶτα παρακληθεῖς τὴν καρδίαν ταῖς πολλαῖς καὶ παντοδαπαῖς παραινέσειςιν τοῦ ἀββά, ἐπλήρωσεν τὸν κανόνα μετὰ τῶν ἀδελφῶν. Καὶ τῆς συνάξεως γενομένης, μεταλαβὼν τῶν θείων μυστηρίων καὶ ἀριστήσας μετὰ τῶν πατέρων, ὑπνώσας τε μικρὸν καὶ διαναστάς, οὐκ ἐνεγκὼν τῆς εαυτοῦ καρδίας τὴν πύρωσιν, ἐξήλθεν λάθρα τῆς μονῆς, μηδὲν λαβὼν παντελῶς εἰ μὴ ἂ ἐφόρει.

Εἶτα καὶ τῆς ἱερᾶς ἐπιστάσης μυσταγωγίας, τῶν θείων κοινωνεῖ μυστηρίων καὶ κοινῆς τοῖς ἀδελφοῖς τραπέξης μεταλαχόν, βραχὺ τε γευσάμενος ὕπνου καὶ διαναστάς, ἐπεὶ οὐκ εἶχεν ὅπως τοὺς καλοὺς ἐκείνους κατασβέσει τῆς διὰ Χριστὸν ἀθλήσεως ἔρωτας, ἀλλὰ σφοδρῶς ὑπ' αὐτῶν ἐπίπτατο τὴν καρδίαν, ὑπέξεισιν ἀφανῶς τοῦ μοναστηρίου, μηδὲν ἐπαγόμενος πλέον εἰ μὴ ὦν ἀναγκάως διὰ τὴν τοῦ σώματος περιβέβλητο σκέπη.

Differences in vocabulary are not as striking as in MA and MCh, because already Symeon's model text used vocabulary that was by and large classicizing (although see e.g. ἀββάς > διδάσκαλος). What we observe is thus more an elevating of an already roughly classicizing text through the following strategies: *μi*-verb (πῖμπρη-μ), optative-, pluperfect- and future infinitive-forms are simply added or substituted for less explicitly classicizing words/forms (ἐφοβεῖτο > ἐδεδῖει, ἐφόρει > περιβέβλητο, ἀποθνήσκειν > ἐκδημήσειν). On three occasions the metaphrast introduces a hyperbaton (l. 4, 29–30, 34–35). Direct speech is partially recast as indirect speech. At the beginning, direct speech is interrupted by a form of the word φημί (l. 2). The metaphrast retains the rather colloquial future periphrasis (though combined with the future infinitive instead of present infinitive, l. 3–4) in direct speech, whereas in the narrative he replaces it with monolectic future. Periphrases consisting of noun + verb take the place of simple nouns (ὑπνώω > ὕπνου γεύομαι). Amplifications of certain topics (frequently emotions, as two times here, l. 11–19, 29–32) are added.⁴⁰ Because of these two amplifications the Metaphrast's text has become longer than the model text.

Symeon's Life of Stephanos the Younger, a hero of the protracted struggle on the veneration of icons, is based on the approximately 150 years older original Life by Stephanos the Dea-

⁴⁰ Cf. Hinterberger 2009, p. 77f.

con.⁴¹ The parallel examination of ch. 18–20 of the model-text and l. 528–565 of Symeon’s version confirms general trends we have already observed in the above two passages. Besides that, it becomes clear that Symeon considerably shortened the text by skipping entire paragraphs e.g. nearly the whole ch. 19 which in Stephanos’ version consists of the saint’s admonishment to his flock in direct speech. Occasionally however Symeon enlarges the text with moralising asides, often in form of a gnome introduced with γάρ, e.g. ἐπαγωγὸν γὰρ ἡ ἀρετὴ καὶ πόθον αἰεὶ τοῦ πλείονος ἐντιθεῖσα τοῖς ἐρασταῖς, ὥσπερ τοῖς φιλοπλούτοις τὰ χρήματα (l. 551–555).

We have already seen that Symeon cared for simple, relatively unembellished, though – in a classicizing way – pure vocabulary. Accordingly, in his *Life of Stephanos the Younger* he substitutes *πονηρός*, *θεομῆς*, *ἀσκεπής* for the rare words *λαθρόδηκτος*, *μισάγιος*, *ἀερόφωτος*, which seem to have been used exclusively by Stephanos the Deacon and thus diverge from the classicizing norm.⁴² While these words do not belong to vernacular vocabulary, their flaw, in Symeon’s eyes, lies in the fact that they do not belong to mainstream classicizing Greek.

The examination of the relationship between the Metaphrastic texts and their models can be a thorny issue for several reasons. Recent studies have shown that in the past, intermediary texts, then unknown, were neglected and accordingly conclusions concerning the changes wrought by Symeon, were drawn on false premises.⁴³ Moreover it has also been demonstrated that the Metaphrast used more than one model in order to compose his new texts.⁴⁴ To make things even more complex, Symeon not only relied on one or more older versions of the same story, but copied passages from other parts of the menologion.

According to studies on the models used by Symeon, his *Life of John Chrysostome* is based on Ps.-George of Alexandria’s *Life*

⁴¹ Iadevaia 1984 and Auzépy 1997.

⁴² See the respective entries in Trapp 1994ff. Other new or extremely rare words in Stephan the Deacon’s version simply are removed by Symeon, e.g. *στενομονίαν* ch. 20. On the other side, the rather vernacular verb *στήκειν* (a new present stem which had developed from an old perfect) was replaced with the corresponding old perfect infinitiv *ἑστάναι*.

⁴³ Schiffer 1996, esp. p. 35.

⁴⁴ Lackner 1984; Schiffer 1999, p. 155.

(BHG 873) and the anonymous Life BHG 876.⁴⁵ BHG 873 is the most popular version of the life of John Chrysostome, and Symeon's Life indeed follows the sequence of chapters of this text. But a closer investigation shows that it is BHG 876 he relies on primarily, this version of Chrysostome's Life apparently going back to BHG 873. Thus, Symeon introduced far fewer changes than one would have surmised from a comparison with BHG 873 alone, most of them already adopted by BHG 876. In addition to BHG 876 Symeon used material from other texts, such as Chrysostome's treatise *On Priesthood*, parts of which both BHG 876 as well as BHG 873 copy, but Symeon's borrowing is the longest and only he explicitly declares that the passage is indeed a quotation from elsewhere, adding the title of his source.⁴⁶ The comparison of BHG 876 with Symeon's text clearly shows how closely Symeon followed this text, but also that occasionally he phrases his text independently.

BHG 876, <i>Vita anonyma</i> <i>Ioannis Chrysostomi</i> 100 (352, 19-23) and 4 (297, 31-34)	SYMEON, <i>Vita Ioannis</i> <i>Chrysostomi</i> 46 (1173C-D) and 2 (1052A)	OTHER TEXTS BY SYMEON
οὕτω μέντοι ἡ ἐκ- κλησία τὸν ἐαυτῆς νυμφίον ἀπολαβοῦ- σα καὶ τὸ περιὸν αὐτῇ σκυθρωπὸν διαλύσασα ἦνθει τε καὶ ἔθαλλε, ταῖς πο- τίμοις αὐτοῦ τῶν λό- γων καθὰ καὶ πρῶην ἀρδευομένη πηγαῖς· ὁ φθόνος δέ, ὡς ἔοι- κε, ἐρριζωτο ἔτι καὶ λαγόσιν οὐ γῆς, ἀλλὰ	οὕτω μὲν ἡ ἐκκλησία τὸν αὐτῆς νυμφίον ἀπολαβοῦσα καὶ τὸ πε- ριελθὸν αὐτῇ τέως σκυ- θρωπὸν λύσασα ἦνθει καὶ ἔθαλλε, ταῖς ποτίμοις αὐτοῦ τῶν λόγων ἀρ- δευομένη πηγαῖς· ἀλλ' ὦ φθόνε, κακὸν ἀμή- χανον, σοὶ γὰρ οὐκ ἦν ὅλως ἡρεμεῖν, οὐδέ τινα κόρον ἔσχες τῶν κατ' αὐτοῦ προσβολῶν, ἔως,	Vita Theodoraē Alex. 13 (613B): ἄρα κόρον ἔ- σχε τῶν προσβολῶν ὁ

⁴⁵ Hogel 2002, p. 186.

⁴⁶ Symeon, *Vita Ioannis Chrysostomi* 3 (1056B). For more Chrysostomic texts used by Symeon in this text see also van Ommeslaeghe 1976, p. 322-325.

<p>ψυχῶν ἐνεκέκρυπτο· <u>ὅθεν ἀφορμῆς</u> λαβό- μενος ἀνέφυ πάλιν καὶ εἰς ὕψος μέγα κα- τὰ τῆς ἱερᾶς καὶ θείας τοῦ μεγάλου κεφαλῆς ἀνεγήγερτο. τίς δὲ ἢ <u>ἀφορμή</u>;</p>	<p>ἄγριε καὶ ἀτίθασσε, τοῖς ἀγαθοῖς ἀντικεί- μενος τέλεον αὐτὸν ἀπορρη- ξαι καὶ μακρὰν θεῖναι τῆς ποίμνης ἰσχυσας, αἶ, αἶ, τὸν καλὸν ποι- μένα καὶ ὀφθαλμοῖς ἀγρύπνοις αὐτῆς προ- ϊστάμενον, πλὴν ἀλλὰ τίνα τρόπον πάντα συνέβη καὶ <u>πόθεν ἢ</u> <u>ἀφορμῇ</u> τῷ φθόνῳ τοῦ τοσοῦδε κακοῦ;</p>
---	--

Vita Daniel Stylitae
16 (117, 21-22):

<p>οὐκ ἔμελλε δὲ <u>ὁ φθό-</u> νος τὸ ἐπὶ αὐτῷ γινόμε- νον <u>ἀπόνως ὀράν</u>. καὶ <u>γὰρ</u> ἡ τῶν ἀξίων <u>τιμῇ</u> ἀτιμία τοῖς ἀναξίοις λογίζεται καὶ ἡ τῶν <u>ἐνδόξων</u> προτίμησις ἐξουδένωσις τοῖς ἀδό- ξοις.</p>	<p>2: ταῦτα δὲ <u>πράως</u> τὸν <u>φθόνον</u> οὐκ ἦν <u>ἐνε-</u> <u>γκεῖν</u> οὐδὲ τοῖς τῶν βασκάνων <u>ἔμελλεν</u> ὀφθαλμοῖς φορητὰ γενέσθαι καὶ ἄλυπα τῆς <u>γὰρ</u> κενῆς <u>δόξης</u> ἐσχάτως ἀντιποιούμε- νοι, τὴν πρὸς ἐκείνον <u>τιμὴν</u> τῆς ἐαυτῶν ὕφε- σιν ἐνόμιζον εἶναι.</p>	<p><u>ταῦτα δὲ τὸν βάσκα-</u> <u>νον ὀφθαλμὸν οὐκ ἦν</u> <u>ἐνεγκεῖν οὐδ'</u> αὐτῷ ἐκείνῳ τῷ τοῦ <u>φθόνου</u> <u>πατρὶ φορητὰ</u>. Vita Nicolai 21 (255, 16-17 app. crit.): <u>οὐκ</u> <u>ἔμελλε δὲ ταῦτα οἶ-</u> <u>σειν ὁ φθόνος</u> οὐδὲ <u>βασκάνων ὀφθαλμοῖς</u> <u>τὰ λαμπρὰ ταῦτα φο-</u> <u>ρητὰ ἦν</u>.</p>
--	---	--

Unlike BHG 876 (above l. 9-16) Symeon refrains from accumulating pluperfect forms, a widespread mannerism, which Symeon obviously did not accept as purely classicizing. Moreover, he deviates from his model particularly in transitional passages where he occasionally gives further emphasis to emotions involved in the story, a feature that is quite characteristic of the Metaphrast's practice, as we have already seen in his version of the Martyrion of Anastasios. Furthermore, it becomes clear from the comparison with other texts of the Menologion that where Symeon (or his team of collaborators) phrases independently from his sources he clearly falls back on a set of standard expressions which recur in

other texts of the *Menologion*.⁴⁷ These parallel expressions testify to the linguistic and stylistic standardization that was part of the Metaphrastic enterprise.

5. *Some conclusions*

Compared with the historiographical metaphraseis, their hagiographical cousins are less interested in the information provided by the older text and more interested in elevating the content to a higher stylistic (and linguistic) level. This means that in contrast to the process we have seen taking place in the historiographical metaphraseis, Symeon's texts move in the opposite direction. Although Choniates' text is much more classicizing than Symeon the Metaphrast, and Symeon's model texts display a much higher stylistic level than MA and MCh, most of the features Symeon introduced into his new versions are identical with the elements the authors of MA and MCh removed from the *Alexias* and *Chronike* diegesis.

These features are primarily: perfect and future participles and infinitives, pluperfect, optative, noun + verb paraphrases and the hyperbaton. We have observed that these features correspond to other more simple features. This also means that these forms and their correspondents are fully equivalent at a semantic and syntactic level and that these classicizing forms are used as alternative forms instead and/or side by side with those forms which are their equivalents.⁴⁸

In all cases vocabulary plays an important role, too, but things are much less clear here: Choniates uses *recherché* vocabulary, particularly poetical words and hapax legomena, in contrast to Symeon (who avoids, it should be said, loanwords⁴⁹ and words of the vernacular, but also eschews whatever else goes beyond mainstream classicizing Greek). Indeed, Symeon would have rejected Choniates' diction as he did with Stephanos the Deacon who deliberately sought to use rare words. The vocabulary of MA and MCh, finally, contains many vernacular elements, without, all in

⁴⁷ Several standard expressions have already been listed by Zilliacus 1938, p. 334–340; Schiffer 1996, p. 36–40, and Schiffer 1999, p. 155–157.

⁴⁸ Cf. Hinterberger 2007.

⁴⁹ Zilliacus 1937.

all, being a text written in the vernacular. The issue of vocabulary demonstrates in a particularly clear manner that it is difficult, if not impossible, to pigeonhole Byzantine texts in the categories of 'low', 'middle' and 'high' levels. I would rather propose to divide them into classicizing and non-classicizing texts and allow for a broad range of less or more classicizing texts, according to a variety of criteria.⁵⁰ The criteria mentioned above, ranging from participle to hyperbaton, are the key elements of classicizing Byzantine Greek which delineate the border line between the learned and non-learned language.

The fact that often, in compiling the menologion, more than one model text was used, is a key differentiating factor vis-à-vis historiographical metaphraseis, where there is a one-to-one relationship between the original and the metaphrasis. Another difference lies in the fact that in the case of the hagiographical metaphraseis we are not able to determine with certainty which of the older versions of a certain text functioned as the pattern followed by Symeon and his team. On the other hand, the historiographical metaphraseis, in all probability, rely directly on Anna's and Choniates' original texts.⁵¹

6. *How to edit a metaphrasis*

I would like to close by considering how best we can go about editing the metaphraseis. It has become clear that in both cases of metaphrasis older texts underlie newer ones. In many instances, I think, it is crucial to know the relationship between both, in order to fully appreciate the new text's intent and meaning. How should such a close dependence of one text on another be taken into consideration by the editor?

First of all, however, it is not self-evident that metaphraseis deserve to be edited at all or that they should be edited indepen-

⁵⁰ See also Demoen 2004, p. 172, who suggested that we would do better to speak about simple and high style. Cf. Högel 2002, p. 23.

⁵¹ Although here we do not know exactly which branch of the manuscript tradition was used by the metaphrast. See the stemma in Reinsch & Kambylis 2001, p. 28* and van Dielen 1975, p. LXXXVI-LXXXVIII and CI. Cf. Davis 2004, p. 40-45. In any case, divergences between these different manuscripts are of much lower degree and extent than the divergences between different versions of a certain Life of a saint.

dently from their respective model texts. Since the historiographical metaphraseis by definition do not provide factual information unknown to the original text, until the 1980s only fragments had been edited in the apparatus criticus of the editions of the original historiographical works.⁵² Only in 1981 was MA properly edited by Herbert Hunger, and it was Jean-Luc van Dieten, the editor of Nicetas Choniates' *Chronike diegesis*, having thoroughly investigated the metaphrasis as a witness of Choniates' text, who in 1979 strongly pleaded for the independent edition of MCh as a text in its own right.

The fact that so far only very few texts of the metaphrastic menologion have been edited critically, in my view, is also, at least partly, due to the widespread conviction that generally, these texts do not provide new information about a certain saint (the main objective of traditional hagiographical studies being the collection of historical data on a saint and his/her cult) and that also for historians of the Greek language they are not 'interesting' whereas older, low-level Saints' Lives reflected to some extent the living language and therefore are significant.⁵³ Since, moreover, hagiography as literature has only recently attracted scholarly interest and the investigation of questions of style was mainly restricted to secular literature, incentives for undertaking a critical edition of hagiographical metaphraseis were rather scarce.⁵⁴ It should be noted, though, that the rich and complicated manuscript tradition has also served as a strong deterrent.

7. *Modern critical editions*

So far, we have modern editions of MA and the metaphrasis of Blemmydes' 'Imperial statue'. Only a rather limited number of critical editions of texts contained in the metaphrastic menologion exist.⁵⁵ What options do we have?

⁵² See Hunger 1981, p. 13 and Davis 2010, p. 145-146.

⁵³ In the past, Symeon the Metaphrast was criticized for stripping his texts of all their linguistically interesting elements, e.g. by Zilliacus 1938, p. 350.

⁵⁴ Høgel 1997. But see the recent editions accompanied by a thorough analysis of the Metaphrastic process by Schiffer 1999 and Franco 2009, as well as Lequeux 2005.

⁵⁵ See the list of metaphrastic texts in Høgel 2002, p. 173-204.

1. parallel edition: Hunger 1981 and Hunger & Ševčenko 1988 opted for a parallel edition of the original historiographical text (on the left page) and the metaphrasis (on the right page). The same solution had been chosen by Gebhardt & Doberschütz 1911 for the edition of the martyrion of Gurius, Samonas and Abibos (BHG 735, 735b, 739) on the left text and Symeon's version (BHG 736–738) on the right. Such an edition, of course, most comfortably serves the scholar interested in a parallel investigation, but also has its limits when more than two texts are involved. Thus, in the case of Symeon's text on the three martyrs of Edessa, whose beginning relies on Arethas' encomium and not on the older *passio*, the editors simply had to refer to Arethas (BHG 740) in the apparatus. Such an edition is only meaningful when the original text to be juxtaposed is known with absolute certainty (which often is not the case).⁵⁶
2. parallel edition plus typographical presentation of the relationship between the two texts: Hunger 1981 and subsequently Hunger & Ševčenko 1988, embedded in the parallel edition the editors applied a sophisticated system of 9 different ways of marking the text.
3. (independent) edition plus marking: Parallel passages printed in bold, with the 'new text' in normal print (or vice versa). Lequeux 2005 edited Symeon's *passio* of St Sebastian together with its epitome (abbreviation; *nota bene* not the model text) of this text (on the same page, but in smaller letters); all parallel passages were printed in bold. A similar way was chosen by Antonopoulou 2008 though not for an edition of one of Symeon's texts but the Homilies of Leo VI. For all homilies, parallel passages from other texts were presented in normal print, Leo's 'own' words in bold. Leo's Homily on John Chrysostome (BHG 880), for example, depends on Ps.–

⁵⁶ Parallel edition has been chosen as one way to cope with the fluidity of Byzantine texts in the vernacular; see e.g. Bakker & van Gemert 1988 who decided to edit the four extant versions of the Story of Belisar in parallel (two texts on the left, two on the right).

George's 7th century vita (BHG 873); all (fairly) identical passages are printed normally.⁵⁷

4. hagiographical dossier: In the past, different hagiographical texts on the same saint have been edited collectively, one text after the other in chronological order. Such a dossier containing one of Symeon's texts was edited e.g. by Gebhardt & Dobschütz 1911 and Anrich 1913–1917. More recently Flusin 1992 edited Symeon's version of the martyrion of Anastasios the Persian as part of the collected texts on this saint. In the apparatus fontium of this edition the precise correspondence between model and metaphrasis is conveniently displayed. This approach is the most appropriate way to edit hagiographical texts, but it should be admitted that it is only applicable to relatively short texts with a limited number of versions, otherwise the edition grows unmanageably big (as, for instance, would be the case for all the texts devoted to John Chrysostome).

The kind of edition we choose depends of course on what we intend to do with it. The juxtaposition of model text (original) and new version (metaphrasis) conveniently provides an immediate insight into the 'metaphrastic' process and surely fosters scholarly interest in these texts. Hunger was very much interested in MA and stressed its significance for the investigation of matters of style and language level. Hunger's sophisticated system of denoting the intertextual relationship is a useful tool for the investigation of what the metaphrast was doing with Anna's text. But it destroys the Metaphrasis as a text. Already the three/four different ways of marking the interrelationship between older and younger version (underlining, bold, italics, strikethrough) applied in the selected passages above tends to distract the reader and direct his entire attention toward the metaphrasis' dependence on the model text and thus prevent the metaphrasis from being treated as a text in its own right. Hunger's much more sophisticated system impairs the readability of the metaphrasis

⁵⁷ This seems to be the standard procedure in the *Corpus Christianorum*, Series Graeca series; cf. also De Groote 2012 where quotations are marked in the same way (e.g. quotations from Homer in poem 52).

even more. I think that such a system is useful in a study such as the present, where only selected passages are treated, but should not be applied to the edition of an entire text. Ultimately the results of a thorough analysis of the metaphrastic process need to be presented in a separate study.

I fear that, besides the fact that in the case of the *Metaphrasis* of Choniates' *History* the publication necessarily would comprise more than 1000 pages and thus make it unaffordable even for the restricted readership it hopes to address, the juxtaposition of the two texts would reduce the metaphrasis to a mere derivative of the older original. The metaphrasis though is more than that and also in its time it was read independently of its source. It deserves, therefore, to be published as an independent text, to be read as an independent text in its own right, functioning according to its own linguistic and stylistic logic.

For this reason, although some colleagues fervently support a parallel edition of the metaphrasis and Choniates' original, the edition which John Davis and I are currently preparing, will contain only the text of the metaphrasis. Of course, it will be accompanied by a detailed analysis of the *Metaphrasis*' language and its relationship to Choniates' original *History*. But in the edition itself we will restrict ourselves to simple references to Choniates' text.

A critical edition of – to begin with – one volume of the metaphrastic *menologion* is an urgent desideratum of Byzantine philology and efforts already undertaken in this direction by gifted scholars should receive greater encouragement from the scholarly community.⁵⁸ At least two apparatus besides the *apparatus criticus* should accompany such an edition of a metaphrastic text: the first setting out the parallel passages of the (presumed) model text(s); the other giving *loci paralleli* within the *menologion*. Ideally we should one day be able to read the entire metaphrastic *menologion* in this format, and accordingly be in a position to appreciate the meaning and intention of the collection and the uniformity Symeon imposed on this work. For practical reasons, this task needs to be undertaken by a team of scholars.

In my view, the edition of a Byzantine text simply cannot do everything. Its foremost task should be to provide a readable text.

⁵⁸ See especially Schiffer 1999 and Franco 2009.

It is extremely important that we should be made aware of any dependence on another text, but this should be done in such a way that it does not detract from the appreciation of the text as a literary product.

In other words, it is unreasonable to expect an edition to present a text in a way appropriate for its literary appreciation and at the same time serve as a tool for stylistic and linguistic analysis. The latter task will have to be carried out in separate studies, where various texts may be juxtaposed. From the point of view of the history of literature, an edition which allows the modern reader to perceive the text first and foremost as a work of literature should have priority. Metaphraseis were not read alongside their models, and in order to grasp their literary significance we too should refrain from doing so.

Sources

- Anna Komnena, *Alexias*, ed. D.R. Reinsch & A. Kambylis, Berlin: De Gruyter 2001 (*Corpus Fontium Historiae Byzantinae*, 40).
- G. Anrich (1913–1917), *Hagios Nikolaos. Der heilige Nikolaos in der griechischen Kirche*, 2 vols, Leipzig & Berlin: Teubner.
- T. Antonopoulou (2008), *Leonis VI Sapientis imperatoris Byzantini homiliae*, Turnhout: Brepols (*Corpus Christianorum, Series Graeca*, 70).
- M.-F. Auzépy (1997), *La Vie d'Étienne le Jeune par Étienne le Diacre*, Aldershot: Ashgate (*Birmingham Byzantine and Ottoman Monographs*, 3).
- W. Bakker & A. van Gemert (1988), *Ιστορία τοῦ Βελισσαρίου*, Athens: Μορφωτικό Ίδρυμα Ἑθνικῆς Τραπέζης (*Βυζαντινὴ καὶ Νεοελληνικὴ Βιβλιοθήκη*, 6).
- Eustathios Boilas, *Testament*, ed. P. Lemerle, *Cinq études sur le XI^e siècle byzantin*, Paris 1977, p. 20–29.
- A. Failler (2001), *La version brève des Relations Historiques de Georges Pachymères*, 2 vols, Paris: Institut Français d'Études Byzantines (*Archives de l'Orient Chrétien*, 17 & 18).
- B. Flusin (1992), *Saint Anastase le Perse et l'histoire de la Palestine au début du VII^e siècle*, 2 vols, Paris: Centre National de la Recherche Scientifique (*Le Monde Byzantin*).
- Georgios (Gennadios) Scholarios, *Opera*, ed. L. Petit et al., 8 vols, Paris 1928–1936.
- O. von Gebhardt & E. von Dobschütz (1911), *Die Akten der Edesseni-*

- schen Bekenner Gurjas, Samonas und Abibos*, Leipzig: J.C. Hinrichs'sche Buchhandlung.
- M. De Groote (2004), 'Johannes Geometres' Metaphrasis of the Odes: Critical Edition', in *GRBS* 44, p. 375–410.
- M. De Groote (2012), *Christophori Mitylenaii versuum variorum collectio Cryptensis*, Turhout: Brepols (Corpus Christianorum, Series Graeca, 74).
- F. Halkin (1977), *Douze récits byzantins sur saint Jean Chrysostome*, Bruxelles: Société des Bollandistes (Subsidia Hagiographica, 60).
- H. Hunger (1981), *Anonyme Metaphrase zu Anna Komnene, Alexias XI–XIII. Ein Beitrag zur Erschließung der byzantinischen Umgangssprache*, Vienna: Österreichische Akademie der Wissenschaften (Wiener Byzantinistische Studien, 15).
- H. Hunger & I. Ševčenko (1988), *Des Nikephoros Blemmydes Βασιλικὸς Ἀνδριᾶς und dessen Metaphrase von Georgios Galesiotes und Georgios Oinaïotes. Ein weiterer Beitrag zum Verständnis der byzantinischen Schrift-Koine*, Vienna: Österreichische Akademie der Wissenschaften (Wiener Byzantinistische Studien, 18).
- F. Iadevaia (1984), *Simone Metafraste. Vita di S. Stefano minore*, Messina: A. Sfameni.
- W. Lackner (1980), 'Eine unedierte Passion der Martyrer Nikandros und Hermaïos (BHG 2295)', in *JÖB* 29, 99–131.
- X. Lequeux (2005), 'La passion Métaphrastique inédite de S. Sebastien, martyr à Rome (BHG 1619z) et son abrégé (BHG 1620). Présentation et édition des textes', in *AB* 123, p. 241–288.
- Manuel Philes, *Carmina*, ed. É. Miller, 2 vols, Paris, 1855–1857 (repr. Amsterdam: A.M. Hakkert, 1967).
- Niketas Choniates, *Chronike diegesis*, ed. J.-L. van Dieten, Berlin: De Gruyter 1975 (*CFHB*, 11).
- F. van Ommeslaeghe (1976), 'Une vie acéphale de Saint Jean Chrysostome dans le Batopedinus 73', in *AB* 94, 317–356.
- Photios, *Bibliotheca*, ed. R. Henry, *Photius. Bibliothèque*, 8 vols, Paris 1959–1977.
- G. Stickler (1992), *Manuel Philes und seine Psalmenmetaphrase*, Vienna: Verband der wissenschaftlichen Gesellschaften Österreichs (Dissertationen der Universität Wien, 229).
- Symeon Metaphrastes, *Vita Daniel Stylitae*, ed. H. Delehay, Bruxelles 1923, p. 104–147.
- id., *Vita Ioanni Chrysostomi*, ed. J.-P. Migne, Paris 1857–1866, vol. 114, p. 1045–1209.
- id., *Vita Nicolai*, ed. G. Anrich 1913–1917, Leipzig & Berlin: Teubner, I, p. 235–267.

id., *Vita Theodorae Alex.*, ed. J.-P. Migne, Paris 1857-1866, vol. 115, p. 665-689.

Vita anonyma Ioannis Chrysostomi, ed. H. Savilius, Eton, 1612-1613, vol. VIII, p. 294-371.

Bibliography

- R. Browning (1978), 'The Language of Byzantine Literature', in S. Vryonis, jr (ed.), *The Past in Medieval and Modern Greek Culture*, Malibu, Calif. (*Byzantina kai Metabyzantina* 1), p. 103-133 (= Browning 1989, XV).
- R. Browning (1989), *History, Language and Literacy in the Byzantine World*, Northampton:Variorum.
- R. Browning (1992), 'A fourteenth-century prose version of the Odyssey', in *DOP* 46, p. 27-36.
- J. Davis, 'Η Μετάφραση της Χρονικής Διηγήσεως του Νικήτα Χωνιάτη' (unpublished doctoral thesis, University of Ioannina, 2 vols, 2004).
- J. Davis (2009), 'The History Metaphrased: Changing Readership in the Fourteenth Century', in A. Simpson & S. Efthymiadis (eds), *Niketas Choniates. A Historian and a Writer*, Geneva: La Pomme d'Or, p. 145-163.
- J. Davis (2010), 'Anna Komnena and Niketas Choniates «translated»: the fourteenth century Byzantine metaphrases', in R. Macrides (ed.), *History as Literature. Papers from the Fortieth Spring Symposium of Byzantine Studies, University of Birmingham, April 2007*, Farnham: Ashgate (Society for the Promotion of Byzantine Studies, Publications, 15), p. 55-70.
- K. Demoen (2004), 'John Geometres' Iambic Life of Saint Panteleemon. Text, Genre and Metaphrastic Style', in B. Janssens et al. (ed.), *Philomathestatos. Studies in Greek and Byzantine Texts Presented to Jacques Noret for his Sixty-Fifth Birthday*, Leuven et al.: Peeters (*Orientalia Lovaniensia Analecta*, 137), p. 165-184.
- J.-L. van Dieten (1979), 'Bemerkungen zur Sprache der sogenannten vulgärgriechischen Niketasparaphrase', in *BF* 6, p. 37-77.
- S. Efthymiadis (1991), 'John of Sardis and the Metaphrasis of the Passio of St. Nikephoros the Martyr', in *Rivista di studi bizantini e neoellenici* n.s. 28, p. 23-44.
- H. Eideneier (2001), 'Die Metaphrase als Wechsel der Stilstufe in byzantinischen und postbyzantinischen Texten', in *Göttinger Beiträge zur Byzantinischen und Neugriechischen Philologie* 1, 27-45.
- B. Flusin (2011), 'Vers la Métaphrase', in S. Marjanović-Dušanić & B.

- Flusin (eds), *Remanier, métaphraser – fonctions et techniques de la réécriture dans le monde byzantin*, Belgrad: University of Belgrad, Faculty of Philosophy.
- L. Franco, 'A Study of the Metaphrastic Process: the case of the unpublished Passio of St James the Persian (BHG 773), Passio of Plato (BHG 1551-1552), and Vita of St Hilarion (BHG 755) by Symeon Metaphrastes' (unpublished doctoral thesis, University of London, Royal Holloway, 2009).
- A. Giannouli (2014), 'Byzantine Hagiography and Hymnography: an Interrelationship', in S. Efthymiadis (ed.), *The Ashgate Research Companion to Byzantine Hagiography*, vol. II: Genres and Contexts, Aldershot: Ashgate.
- F. Halkin (1957), *Bibliotheca Hagiographica Graeca*, Bruxelles: Société des Bollandistes (Subsidia Hagiographica, 8a).
- M. Hinterberger (2007), 'Die Sprache der byzantinischen Literatur: Der Gebrauch der synthetischen Plusquamperfektformen', in M. Hinterberger & E. Schiffer (eds), *Byzantinische Sprachkunst. Studien zur byzantinischen Literatur, gewidmet Wolfram Hörandner zum 65. Geburtstag*, München & Leipzig: De Gruyter (Byzantisches Archiv, 20), p. 107-142.
- M. Hinterberger (2009), 'Byzantinische biographische Literatur des 10. Jahrhunderts: Quellenkritik – reizvolle Erzählungen – Fiktion', in S. Enderwitz & W. Schamoni (eds), *Eine Bestandsaufnahme der biographischen Literatur im 10. Jahrhundert*, Heidelberg: Mattes, p. 57-81.
- M. Hinterberger (2010), 'Hagiographische Metaphrasen. Ein möglicher Weg der Annäherung an die Literarästhetik der frühen Palaiologenzeit', in A. Rhoby & E. Schiffer (eds), *Imitatio – aemulatio – variatio. Akten des internationalen wissenschaftlichen Symposions zur byzantinischen Sprache und Literatur (Wien 22.-25. Oktober 2008)*, Vienna: Österreichische Akademie der Wissenschaften (Veröffentlichungen zur Byzanzforschung, 21), p. 137-151.
- M. Hinterberger (2012), 'Die Konstantinsvita im Späten Byzanz. Vorläufige Ergebnisse einer Gegenüberstellung palaiologenzeitlicher Metaphrasen', in *Graeco-Latina Brunensia* 16, p. 41-59.
- G. Horrocks (1997), *Greek. A History of the Language and its Speakers*, London & New York: Longman.
- C. Høgel (ed., 1996), *Redactions and Audiences in Middle Byzantine Hagiography*. Oslo: The Research Council of Norway (KULTs skriftserie, 59).
- C. Høgel (1997), 'Literary Aspects of Greek Byzantine Hagiography: a Bibliographical Survey', in *Symbolae Osloenses* 72, p. 164-171.
- C. Høgel (2002), *Symeon Metaphrastes. Rewriting and Canonization*. Co-

- penhangen: Museum Tusculanum Press, University of Copenhagen.
- W. Lackner (1984), 'Zur Editions-geschichte, Textgestalt und Quellen der Passio S. Polyeucti des Symeon Metaphrastes', in W. Hörandner et al. (eds), *BYZANTIOS. Festschrift für Herbert Hunger*, Vienna: Ernst Becvar, p. 221-231.
- S.A. Paschalides (1999), *Νικήτας Δαβίδ Παφλαγών. Συμβολή στη μελέτη της προσωπογραφίας και της αγιολογικής γραμματείας της προμεταφραστικής περιόδου*, Thessalonike: Κέντρο Βυζαντινών Ἑρευνών (Βυζαντινὰ Κείμενα καὶ Μελέται, 28).
- S.A. Paschalides (2012), 'Παρατηρήσεις στὶς μεταφράσεις τῶν βυζαντινῶν ἀγιολογικῶν κειμένων', in idem (ed.), *Ἐν ἁγίοις. Εἰδικὰ θέματα βυζαντινῆς καὶ μεταβυζαντινῆς ἀγιολογίας*. vol. I, p. 75-88, Thessalonike: Pournaras.
- E. Peyr (= E. Schiffer) (1992), 'Zur Umarbeitung rhetorischer Texte durch Symeon Metaphrastes', in *JÖB* 42, p. 143-155.
- E. Schiffer (1996), 'Metaphrastic Lives and Earlier metaphraseis of Saints' Lives', in Högel 1996, p. 22-41.
- E. Schiffer, 'Untersuchungen zum Sprachniveau metaphrastischer Texte und ihrer Vorlagen' (unpublished doctoral thesis, University of Vienna, 1999).
- I. Ševčenko (1981), 'Levels of Style in Byzantine Prose', in *JÖB* 31/1, p. 289-312.
- A.-M. Talbot (1991), 'Old Wine in New Bottles: The Rewriting of Saints' Lives in the Palaeologan Period', in S. Ćurčić & D. Mouriki (eds), *The Twilight of Byzantium*, Princeton, p. 15-26.
- E. Trapp et al. (1994ff.), *Lexikon zur byzantinischen Gräzität, besonders des 9.-12. Jahrhunderts*, Vienna: Österreichische Akademie der Wissenschaften.
- H. Zilliacus (1937), 'Das lateinische Lehnwort in der griechischen Hagiographie. Ein Beitrag zur Geschichte der klassizistischen Bestrebungen im X. Jahrhundert', in *BZ* 37, p. 302-344.
- H. Zilliacus (1938), 'Zur stilistischen Umarbeitungstechnik des Symeon Metaphrastes', in *BZ* 38, p. 333-350.

TOWARDS A VOCABULARY FOR REWRITING IN BYZANTIUM*

Rewriting has been practised in every written culture as a way of updating texts, either because their content needed to be re-visited, or because their style was no longer palatable to contemporary audiences. Historical revision, as practised by ancient and Byzantine historians, can best exemplify the first approach. As for the second, which is rather stylistic, it would perhaps suffice to quote what Theon wrote when composing a collection of *progymnasmata* already in the first century AD:

ἡ δὲ παράφρασις οὐχ ὥς τιςιν εἴρηται ἢ ἔδοξεν, ἀχρηστός ἐστι· τὸ γὰρ καλῶς εἰπεῖν, φασιν, ἀπαξ περιγίνεται, δις δὲ οὐκ ἐνδέχεται· οὗτοι δὲ σφόδρα τοῦ ὀρθοῦ διημαρτήκασι. τῆς γὰρ διανοίας ὑφ' ἐνὶ πράγματι μὴ καθ' ἓνα τρόπον κινουμένης, ὥστε τὴν προσπεσοῦσαν αὐτῇ φαντασίαν ὁμοίως προενέγκασθαι, ἀλλὰ κατὰ πλείους, καὶ ποτὲ μὲν ἀποφαινομένων ἡμῶν, ποτὲ δὲ ἐρωτῶντων, ποτὲ δὲ πυνθανομένων, ποτὲ δὲ εὐχομένων, ποτὲ δὲ κατ' ἄλλον τινὰ τρόπον τὸ νοηθὲν ἐκφερόντων, οὐδὲν κωλύει κατὰ πάντας τοὺς τρόπους τὸ φαντασθὲν ἐπίσης καλῶς ἐξενεγκεῖν. μαρτύρια δὲ τούτου καὶ παρὰ ποιηταῖς ἐστὶ καὶ τοῖς αὐτοῖς ποιηταῖς ἢ ἐτέροις τιςιν, καὶ παρὰ ῥήτορσι, καὶ ιστορικοῖς, καὶ ἀπλῶς πάντες οἱ παλαιοὶ φαίνονται τῇ παραφράσει ἄριστα κεχρημένοι, οὐ μόνον τὰ ἑαυτῶν ἀλλὰ καὶ τὰ ἀλλήλων μεταπλάσσοντες.¹

Despite what some say or have thought, paraphrase is not without utility. The argument of opponents is that once so-

* This study has been made possible by the funding provided by the Spanish research projects FF12009-07963 and FF12012-37908-C02-01.

¹ Aelius Theon, *Progymnasmata*, ed Patillon – Bolognesi 1997, p. 5.

mething has been well said it cannot be done a second time, but those who say this are far from hitting on what is right. Thought is not moved by any one thing in only one way so as to express the idea that has occurred to it in a similar form, but it is stirred in a number of different ways, and sometimes we are making a declaration, sometimes asking a question, sometimes making an inquiry, sometimes beseeching, and sometimes expressing our thought in some other way. There is nothing to prevent what is imagined from being expressed equally well in all these ways. There is evidence of this in paraphrase by a poet of his own thoughts elsewhere or paraphrase by another poet and in the orators and historians, and, in brief, all ancient writers seem to have used paraphrase in the best possible way, rephrasing not only their own writings but those of each other.²

If this rhetorical or stylistic rewriting, labelled as *παράφρασις* by Theon, was so ubiquitous in Antiquity, we may surmise that its impact was even greater in Byzantium as the increasing distance between the spoken or vernacular language and the classical Greek written by the elites demanded from the Byzantine writers an ever increasing effort to incorporate into the high level the texts written in the low.

A number of studies have centred on how Byzantine texts were rewritten, although the main focus has been directed until now towards the metaphrastic lives of Symeon Metaphrastes and the Paleologan period³ or the late *metaphraseis* of Byzantine historians.⁴ In fact, the *metaphrasis* process⁵ permeates all the Byzantine literature as deeply as Theon judged for the Classical: if this rewriting has not been further investigated, it is because a positivist approach still predominates in our studies (for example when dealing with historians). In this paper, I consider two main problems related to this issue and suggest new approaches to them, namely the lack 1) of a modern standard grammar of the classicistic Greek used by the Byzantines; and 2) of a systematic

² Kennedy 2003, p. 6.

³ See especially Högel 1996 and 2002 and Hinterberger 2010.

⁴ For this point see the contribution of Martin Hinterberger in this volume and Hunger 1981.

⁵ For the term *metaphrasis* see section 4.4 below.

study of the terms by which the Byzantines explained what they understood by “rewriting”.

1. *The lack of a modern standard grammar
of the classicistic Greek used by the Byzantines*

No grammar of the Classical Greek has been updated in order to cover the classicist Greek written by the Byzantines after the Justinianic period. Consequently, most of the research characterizes the procedures of *metaphrastic* rewriting along general lines and describes the different kinds of amplification or categorizes the changes (lexical, morphological, syntactical, stylistic, of content, etc.) according to the rules of the Classical Grammar, which, do not apply automatically to the learned Greek of the Byzantines. A setting of limits to the different levels is not yet possible insofar as consensus has yet to be reached regarding even the names of the different levels of language.⁶ The writing of such a classicist grammar is an urgent desideratum, but a very complex project to undertake. In the meantime, it could be interesting to make lists of correspondences of words of the high level with koine or vernacular Greek. This may appear to be a tedious task that affects only vocabulary, but as we shall see here, it can help to understand the mechanisms of rewriting texts.

The basis for such a study of the levels of vocabulary has already been set out in the grammatical appendices to the editions of the *metaphraseis* of Anna Comnena and Nicephorus Blemmydes by Hunger and Ševčenko,⁷ which contain lists of “ausgetauschte Wörter” that reappear here and there in the Byzantine lexica and in the scholia to the classical authors. Actually, Byzantine lexica collect words of the high level and offer their correspondence in the koine.

Let us consider a single case in some detail, specifically a version of a passage from a poem of Gregory of Nazianzus⁸

⁶ The classical studies of Ševčenko 1981 and 1982, which offer a comprehensive overview of Byzantine authors of the different levels, still remain influential but do not properly distinguish between levels of speech and of style; a major issue as we shall see below.

⁷ Hunger 1981 and Hunger & Ševčenko 1986.

⁸ PG 37, col. 929.3-6.

transmitted by Johannes of Damascus along with the original text:

Τοῦ ἁγίου Γρηγορίου Ναζιανζοῦ ἐκ τῶν ἐπῶν·
 "Ἡ μὴ διδάσκειν ἢ διδάσκειν τῷ τρόπῳ,
 Μὴ τῇ μὲν ἔλκειν, τῇ δ' ἀπωθεῖσθαι χερσίν,
 ὅττον δεῖσῃ τοῦ λέγειν πράττων, ἃ δεῖ.
 Γραφεὺς διδάσκει τὸ πλεόν τοῖς ἐκτύποις.
 Τοῦ αὐτοῦ μετάφρασις· Ἐάν, φησί, τῷ τρόπῳ οὐ διδάσκης, μὴ
 δίδασκε τῷ λόγῳ, ἵνα μή, οὐς ἔλκης τῷ λόγῳ, τούτους διὰ τὸ μὴ
 ἔχειν τρόπον χρηστὸν ἀποδιώκης· πράττων γάρ, ἅπερ χρεή, αὕτη
 ἡ ἀρτία πράξις καὶ λόγος διδασκαλίας ἔσται, ὥσπερ ὁ ζωγράφος
 τοῖς τύποις κατὰ τὸ πλεόν διδάσκει.⁹

Leaving aside now the authorship of the metaphrastic version¹⁰ as well as the syntactical changes to focus exclusively on the lexicon, we can observe that the *metaphrastes* has substituted some words for others which he considered perhaps out of use or difficult to understand to the common reader. Thus, he substituted *χρή* for *δεῖ*, *ζωγράφος* for *γραφεὺς* and *ἀποδιώκης* for *ἀπωθεῖσθαι*. That the changes are not operated at random or lacking a pattern is proved by the lexica.

In the lexicon of Photius, for example, we find two entries for the substituted terms, *δεῖ* and *γραφεὺς*, where it is said that they are used instead of *χρεή* and *ζωγράφος*, the same terms used by the metaphrastes:

Γραφεὺς· ἀντὶ τοῦ ζωγράφος. Δημοσθένης κατὰ Μειδίου¹¹ καὶ
 γράφειν τὸ ζωγραφεῖν.¹²
 Δεῖ· τέσσαρα ἔχει τὰ σημαινόμενα, ἀντὶ τοῦ *χρεή*, καὶ ἀντὶ τοῦ
χρεία ἐστὶν [...], καὶ ἀντὶ τοῦ δεσμεῖ, καὶ [...] ἀντὶ τοῦ ἀπέχει.¹³

⁹ John the Damascene, *Against iconoclasts* III, ed. Kotter 1975, p. 107–108.

¹⁰ As Caroline Macé pointed out to me, there were several versions or paraphrases of the poems of Gregory of Nazianzus, many of which remain unedited. It could therefore be perfectly possible that the Damascene, if he was indeed the person responsible for the work which bears his name, took the paraphrase from one of these sources and did not write the paraphrase himself. For this question see Simelides 2009, p. 75–88 (2.2 The Poems and the School Curriculum and 2.3 The Anonymous Paraphrases).

¹¹ Demosthenes 21, 147.

¹² Photius, *Lexicon* Γ 203, ed. Theodoridis 1982 –.

¹³ *Ibid.* Δ 100.

The verb ἀπωθέω, which was used by Gregory of Nazianzus in the infinitive (ἀπωθεῖσθαι), was not considered to be very common either so it was substituted by the personal form ἀποδιώκης in the subjunctive. Again, the lexicographers give evidence of the rarity of the term, for which they often provide alternatives. See, for example, the Suda Ἀπόθησαν: ἐξέβαλον¹⁴ or Pseudo Zonaras Ἀπόσμαι: ἀπέριμμαι.¹⁵ Moreover, the verb usually employed to render the meaning of ἀπωθέω in the active voice is precisely (ἀπο)διώκω. Consider the following successive entries of the Suda:

Ἄπωσον: τὸ δίωξον, ὥθησον. καὶ Ἀπόσμαι. καὶ γὰρ εἶπον ἀπόσμαι.
 Ἀπωστός: ἐκδεδιωγμένος. καὶ ἀπωστόν, τὸ ἀπωθητόν.
 [...] Ἀπωστός: ἐκδεδιωγμένος. Σοφοκλῆς· τέλος δ' ἀπωστός γῆς ἀπορριφθήσεται· Τεῦκρός φησιν Αἴαντος ἀναιρεθέντος, δοῦλος λόγοισιν ἀντ' ἐλευθέρου φανείς. καὶ αὐθις· ἀπωστός πρότερον ὑπὸ Θησέως ἐξ Ἀθηνῶν γενόμενος. καὶ ἀπωστόν, τὸ ἀπωθητόν.¹⁶

The use of ἀποδιώκω for ἀπωθέω appears again in a later dictionary of legal terms, the *Hexabiblos aucta* composed in the fourteenth century. The equivalent terms are now separated by the disjunctive ἤγουν:

Βία ἐστὶ μεγάλη(ου) πράγματος ἐπέλευσις, ἣν οὐ δύναται τις ἀπωθεῖσθαι ἤγουν ἀφ' ἑαυτοῦ ἀποδιώκειν καὶ ἀποτρέπειν.¹⁷

It is therefore not a coincidence that in the anonymous *metaphrasis* of Anna Comnene, perhaps dating also from the fourteenth century, the verb ἀπωθέω used by the Byzantine princess has been thrice substituted by ἀποδιώκω by the *metaphrastes*:

§242: ἀπόσατο	>	ἀπεδίωξεν
§388: ἀπόσασθαι	>	ἀποδιώξαι
§431: ἀπωσάμενος	>	ἀποδιώξω ¹⁸

¹⁴ Suda, ed. Adler 1928-1935, α 3665.

¹⁵ Pseudo-Zonaras, *Lexicon*, ed. Tittmann 1808, p. 283.

¹⁶ Suda, α 3676-3677, 3679.

¹⁷ Fögen 1990.

¹⁸ Hunger 1981.

A third type of text where these equivalences between learned and common words often occur are the *glossae* written to explain classical terms. To continue with the case of ἀπωθέω, the verb is explained again by means of ἀποδιώκω in two scholia of Euripides:

ἀπωθεῖν [= Euripides, *Hecuba* v. 135]: ἀποδιώκειν ἀφ' ἡμῶν τὸν Ἀχιλλεῖα, ἥγουν μὴ ἔχθρον ἡμῖν αὐτὸν ποιῆσαι.

πεισθεῖς ἀπωθῶ [= Euripides, *Andromacha* v. 193]: θαρρήσασα ἀποδιώκω, ἐκβάλλω.¹⁹

The possibility that these *glossae* were eventually interpreted as *variae lectiones* and entered the main text is, as every editor knows, not infrequent. However, we will not deal with this point in detail here as it would divert us from the present matter.

In any case, this single example of *metaphrasis* suffices to prove that certain words were deemed to be learned and systematically substituted or explained by others that were more in use. If this happened with the vocabulary, which is subject to constant variations due to its unstable nature, it is to be presumed that the morphological or syntactical changes operated along more regular or standard patterns. This does of course mean that the learned Byzantines were very conscious of the different levels of language or style, and that lexicographical and *metaphraseis* (and *scholia*, provided they can be dated in the Byzantine period) are key for understanding how they wrote in these levels.

However, a caveat remains. Lexica and *metaphraseis* help us to understand the different levels of vocabulary, but were conceived for understanding classical vocabulary, not for writing in classical Greek. This is more or less the same thing that occurred with the lexicographical lists of Latin legal terms with their Greek equivalents as such lists were mostly conceived for understanding the texts of the *Corpus Iuris*, not for writing in Latin.²⁰ Reverse lists of vernacular terms with their classical equivalent apparently never existed, for the prestige of the classicist writer lay in his ability to choose one classical term or another for a given concept: to fix the equivalences would have ruined his artistry!

¹⁹ Dindorf 1863, I, p. 255 (sch. 137) and IV, p. 142 (sch. 193).

²⁰ Burgmann 1977.

This circumstance explains the turns and periphrasis used to render the same term, even among legal texts such as the Novels of Leo.²¹ In his work we find, for example, the following *periphraseis* for “to marry”: συνίσταται γάμος, γάμον αἰρῶ, γάμον ἀποδέχομαι, γάμον ἀποτελῶ, γάμον ἀσπάζομαι, γάμον ποιῶ, γάμον πράττω, γάμον προξενῶ, γάμον συναλλάττω, γάμον συναρμόζω, γάμον συνίστημι, γάμῳ ἀνάγομαι, γάμῳ ἀρμόζομαι, γάμῳ ἐπιμένω, γάμῳ κοινωνῶ, γάμῳ ὁμιλῶ, γάμῳ προβαίνω, γάμῳ προσομιλῶ, γάμῳ συμφωνῶ, εἰς γάμον ἄγομαι, εἰς γάμον συνάπτομαι, περὶ γάμου διαλαλῶ, πρὸς γάμον ἄγομαι, πρὸς γάμον ἐκδίδωμι, πρὸς γάμον ἔρχομαι, πρὸς γάμον ἤκω, πρὸς γάμον κοινολογεῖσθαι, πρὸς γάμον λαμβάνω, πρὸς γάμον ποιῶ, πρὸς γάμον συνάπτω, πρὸς γάμον σύνειμι.

If a legal text apparently took pleasure in avoiding *termini technici* and exploiting the *variatio*, we can safely conclude that the rules for writing in ‘Classical’ Greek were not easily standardizable from the point of view of the vocabulary. Even syntax was a field for experimentation for the learned Byzantine writers.

We can thus conclude that lexica and *metaphraseis* allow us to identify the terms or constructions used in the learned Greek of the Byzantines, but that they are just the first step towards a modern construction of its grammar, for it is necessary to analyse the texts themselves in order to come to some conclusions about the patterns followed by the classicist writers. However, until this grammar is completed (unfortunately not in a foreseeable future),²² detailed research of the changes of words and patterns by means of lexica and *metaphraseis* (and eventually *scholia*) may prove to be very helpful for the scholar.

2. *The lack of a systematic study of the terms by which the Byzantines explain what they understand by “rewriting”*

The Byzantines were perfectly aware of the changes required to rewrite a text, although they only rarely expressed themselves openly in monographs as in the treatises written, for example, by

²¹ Ed. Noailles & Dain 1944.

²² For the moment the best approach is to be found in Horrocks 2010, p. 244–369.

Dionysius of Halicarnassus. However, they did not lack occasions to comment upon their own work or that of their forerunners and contemporaries, as the famous commentary of Psellus on the work of the Metaphrastes clearly proves.²³ As a general rule, however, the comments are more succinct and occasional and appear where they are not at all expected. The only way to cope with this state of matters is to draft a list of relevant terms and follow the patterns of their uses among Byzantines, that is, to make a short vocabulary for ‘rewriting’ in Byzantium. I have neither the time nor the capacity to do so here, but will provide some reflections that will perhaps be useful for future work in the field.

First of all, we must consider four different kinds of categories when dealing with rewriting: extent, conflation, order and language.

2.1. Extent

Rewriting does not operate upon the source text as a faithful or accurate rendering of the original content. On the contrary, some passages are expanded (περίφρασις) – occasionally with the help of digressions (παρέκβασις) – or shortened and summarized (ἐπιτομή, ἐν ἐπιτόμῳ, σύνοψις, ἐν συντόμῳ, σύντομος παράδοσις²⁴) depending on their interest for the contemporary reader or the demands of the literary genre adopted. Expanding and summarizing were already basic operations to which the first *progymnasmata* were consecrated.

The point is that whole texts, not just passages, were rewritten according to these expansion or summary procedures. The abbreviated texts are, in most cases, labelled as such in the title with the corresponding Greek word. Interestingly, some historical works, which were much more than a simple summary of previous works, were labelled as such in the title. This is the case of the σύνοψις ιστοριῶν of Skylitzes, who further refers to his

²³ Michael Psellus, *Life of Symeon the Metaphrastes*, ed. Fisher 1994, oratio 7.

²⁴ For a reflexion on the epitomizing practice in the Antiquity see now Horster & Reitz 2010, and particularly Mülke 2010, who considers both the negative and positive reception of epitomes; for (βραχεία) σύνθεσις in the sense of summary see Pignani 1982, p. 25–26.

work as τήνδε τὴν ἐπιτομὴν in the proem;²⁵ the ἐπιτομή ἱστοριῶν of Iohannes Zonaras; or the σύνοψις χρονική, the verse chronicle of Constantine Manasses.²⁶ This may simply point to the importance of the summary process in the eyes of the writers or it may just belong to the rhetoric of humility, for at least Skylitzes and Manasses were proud of their task. Of course, it is always possible that the titles were not given by the authors but by the copyists, in which case they reflect the interests of the audience and not necessarily those of the historians.

In contrast, the expanded texts are usually not defined as such (περίφρασις is a rare rhetorical term used for the *amplificatio* of single phrases), although we sometimes indicate this circumstance in the modern Latin title of some works (as in *Prochirum auctum* and the like). This cannot serve as an indication that expansion was considered to produce a more original work than the mere summary, for the expanded works may have followed the structure of the source and copied the original title.

2.2. Conflation

The conflation of several texts into a single work inevitably led to their rewriting. This conflation may have involved just an ordering of the collected passages (labelled as ἐκλογαί – excerpts – or even as παρεκβολαί – commentaries²⁷) in an anthology (ἀνθολογιον, ἀνθολογία, a term mostly reserved for collections of literary or moralizing texts, be they poems or *gnomai*) or a compilation (ἐκλογή,²⁸ συλλογή, συναγωγή).

²⁵ Lines 57–58 in the edition of Thurn 1973.

²⁶ The expression of ἱστορία σύντομος for the work of patriarch Nicephorus, ed. Mango 1990, probably results from an hypallage of ἐπιτομή ἱστορίας that perhaps rendered the task done by Nicephorus more accurately. Thus, the patriarch stressed the importance of his historical task without concealing that it was based on a summary of previous works.

²⁷ This is the case, for instance, of the παρεκβολαί σὺν θεῷ διαφόρων γραμματικῶν περὶ γραμματικῆς μεθόδου introducing the scholia londinensia to Dionysius Thrax, ed. Hilgard 1901 or the παρεκβολαί τοῦ μεγάλου ῥήματος ἐκ τῶν Ἡρωδιανοῦ, La Roche 1863.

²⁸ Through a *pars pro toto* metonymy, the term ἐκλογή, initially used to refer to the single excerpt or selected passage, was frequently applied in singular to the overall compilation, as in the Isaurian ecloga, ed. Burgmann 1983, entitled ἐκλογή τῶν νόμων ἐν συντόμῳ γενομένη. The term was also used in the plural, ἐκλογαί,

This ordering was certainly accompanied by some rewording, for collecting texts was rarely just a cut and paste procedure, but involved other actions, such as summary. This appears to be the case of the collection or anthology of passages from a single work (to be dealt with below), which may also fall into the category of summary. Consider, for example, the case of the *excerpta historica* of Constantine Porphyrogenitus. In order to produce an autonomous piece of text, a short narrative that could be read by itself without any external aid, the compilers often altered the beginning of the text and wrote a short introduction to the story by selecting just a few words out of the original text. This is the case of the beginning of an excerpt of Polybius copied in the *excerpta de legationibus*:

Ὅτι Φίλιππος ὁ βασιλεὺς συνελθὼν πρὸς Κερδιλαΐδαν διελέγετο περὶ φιλίας καὶ συμμαχίας καὶ τοῦτον ἔπεισε μεθέξειν τῆς κοινῆς συμμαχίας. καὶ οἱ ἀποσταλέντες πρὸς τοὺς συμμάχους ἀφικόμενοι πρῶτον εἰς Ἀκαρνανίαν ἐνετύγχανον τούτοις.²⁹

The passage heavily summarizes Polybius IV.29–30, whose wording is reproduced here with the words with larger spacing that are taken over by the compiler for the excerpt, the rest being ignored:

Φίλιππος δὲ παραχειμάζων ἐν Μακεδονίᾳ κατέγραφε τὰς δυνάμεις πρὸς τὴν μέλλουσαν χρεῖαν ἐπιμελῶς, ἅμα δὲ τούτοις ἡσφαλίζετο τὰ πρὸς τοὺς ὑπερκειμένους τῆς Μακεδονίας βαρβάρους. Μετὰ δὲ ταῦτα συνελθὼν πρὸς Σκερδιλαΐδαν καὶ τολμηρῶς δοὺς αὐτὸν εἰς τὰς χεῖρας, διελέγετο περὶ φιλίας καὶ συμμαχίας. Καὶ τὰ μὲν ὑπασχνούμενος αὐτῷ συγκατασκευάσειν τῶν κατὰ τὴν Ἰλλυρίδα πραγμάτων, τὰ δὲ κατηγορῶν τῶν Αἰτωλῶν, ὄντων εὐκατηγορήτων, ῥαδίως ἔπεισε συγχωρεῖν τοῖς παρακαλουμένοις. Μήποτε γὰρ οὐδὲν διαφέρει τὰ κατ' ἰδίαν ἀδικήματα τῶν κοινῶν, ἀλλὰ πλήθει μόνον καὶ μεγέθει τῶν συμβαινόντων. καὶ γὰρ κατ' ἰδίαν τὸ τῶν ῥαδιουργῶν καὶ κλεπτῶν φύλον τούτῳ μάλιστα τῷ τρόπῳ σφάλλεται, τῷ μὴ ποιεῖν ἀλλήλοις τὰ δίκαια καὶ συλλήβδην (διὰ) τὰς εἰς αὐτοὺς ἀθεσίας. Ὅ καὶ τότε συνέβη γενέσθαι περὶ τοὺς Αἰτωλοὺς. Συνθέμενοι γὰρ τῷ Σκερδιλαΐδᾳ δώσειν μέρος τι τῆς λείας, ἐὰν συνεισβάλῃ

to refer to collections of selections; for instance, the ἐκλογαὶ ἀπὸ διαφορῶν λόγων of John Chrysostomos, edited in PG 63, cols. 567–902.

²⁹ *Excerpta de legationibus*, ed. De Boor 1903, p. 29.

μετ' αὐτῶν εἰς τὴν Ἀχαΐαν, πεισθέντος καὶ ποιήσαντος τοῦτο, διαρπάσαντες τὴν τῶν Κυναιθέων πόλιν, καὶ πολλὰ περιελασάμενοι σώματα καὶ θρέμματα, τὸν Σκερδιλαΐδαν οὐδενὸς μερίτην ἐποίησαν τῶν ἀλόντων. Διόπερ ὑποκαθημένης ἐκ τούτων αὐτῷ τῆς ὀργῆς, βραχεία προσαναμνήσαντος τοῦ Φιλίππου, ταχέως ὑπήκουσε καὶ συνέθετο μεθέξειν τῆς κοινῆς συμμαχίας, ἐφ' ᾧ λαμβάνειν μὲν εἴκοσι τάλαντα κατ' ἐνιαυτόν, πλεῖν δὲ λέμβοις τριάκοντα καὶ πολεμεῖν τοῖς Αἰτωλοῖς κατὰ θάλατταν. Ὁ μὲν οὖν Φίλιππος περὶ ταῦτα διέτριβεν. Οἶδ' ἔξαποσταλέντες πρέσβεις πρὸς τοὺς συμμαχοῦς, ἀφικόμενοι πρῶτον εἰς Ἀκαρνανίαν ἐνετύγχανον τούτοις.

It is by a fortunate coincidence that the original passage of Polybius is preserved, thus allowing us to compare both texts. The freedom with which the compiler operates and summarizes the original text is striking, especially if one considers that the aim was supposedly to preserve the wording of the source. Yet it is understandable when one takes into account that the excerpts were to be read as closed pieces of narrative and that an abrupt beginning *in medias res* was highly undesirable, for it would deter the reader from reading the text!³⁰

On the other hand, compilation did not usually create an overall new structure for the texts compiled.³¹ The collected material was only reordered according to the purpose and aim of the work conceived by the compiler. Thus we have the alphabetical order of lexica, or the thematic arrangement of many *gnomologia* of antiquarian works (i.e., *De administrando imperio* or *De ceremoniis*) or of the poems in an anthology (such as the Greek anthology).

It would certainly be rewarding to follow the use and connotations of many of the words employed for compilation among Byzantine writers and consider whether they reflect some degree of organization of the collected material. Some terms, such as συλλογή, have occasionally been used in contemporary debate with a meaning that does not exactly reflect the original intent of

³⁰ For the utility of the reading of the excerpts collected by Stobaeus see Photius, *Library*, ed. Henry (1959–1977), cod. 167, p. 115b.

³¹ The case of the *Παρεκβολαί* to Homer written by Eustathius of Thessalonike, who integrated the previous commentaries into a single authorial narrative, is exceptional.

the word.³² On the contrary, less attention has been paid to other terms, like συναγωγή, without any apparent reason.

Specifically, the term συναγωγή is used by Photius in his *Library* even more often than συλλογή to refer to a number of ancient works he read and commented upon. These include the ὀλυμπονικῶν καὶ χρονικῶν συναγωγή of Phlegon of Tralles (cod. 97); several lexica, some of which bear the term συναγωγή in the title (cod. 154) and others described by Photius as λέξεων συναγωγή (cod. 145 and 158), which is exactly the same title he reserved for his own lexicon (λέξεων συναγωγή κατὰ στοιχεῖον³³); a συναγωγή γεωργικῶν ἐπιτηδευμάτων of Vindanius Anatolius of Beirut (cod. 163); (cod. 167); works by Stobaeus (namely ἐκλογαί, ἀποφθέγματα and ὑποθήκαι) described as a συναγωγή ποιητῶν καὶ ῥητόρων (cod. 167); a θαυμασιῶν συναγωγή of Alexander of Myndos (cod. 188); or the fourth book of a medical treatise by Alexander of Amida described as a συναγωγή τῶν ὑγιεινῶν (cod. 221). It should be noted that in most cases Photius does not copy the title of the work but describes its content, what makes of the word almost a technical term for explaining the nature of the works involved.

It would be interesting to consider whether συναγωγή, literally a ‘putting together’ of the passages ‘collected’ by the operation of the συλλογή, somehow implies a higher level of organization in the works so labelled, or whether it should be considered equivalent to the parallel term συλλογή. The first option is to be preferred in some cases, such as when we read at the beginning of the twentieth book of the *Geoponica* that it contains ‘an assembling into one unit of passages from different sources’ (ἐκ διαφόρων τόπων εἰς ἓνα συναγωγήν).³⁴ In others, however, such as the συναγωγή χρόνων, a short chronicle edited by Carl de Boor and consisting merely of a bare list of years with the corresponding events,³⁵ it would be difficult to come to a conclusion without a previous analysis of the possible sources used by its anonymous author.

³² See Odorico 1990.

³³ See also the Συναγωγή λέξεων χρησίων; a lexicon dating from the end of the 8th or the beginning of the 9th century, which was recently edited by Cunningham 2003 and constitutes the main source of the lexicon of Photius.

³⁴ Ed. Beckh 1895.

³⁵ De Boor 1880.

In any case, it is significant that some historians used terms related to the ‘collection’ of sources to describe their works, again favouring this mechanical operation at the expense of the composition or redaction. This is the case of the Chronicle of Symeon the Logothete, which bears the title *χρονικὸν ἐφεξῆς συλλεγὲν ... ἐκ διαφόρων χρονικῶν τε καὶ ιστορικῶν* (unless, as did its last editor, we raise doubts about the genuineness of the title). Also interesting is the title of the chronicle of Cedrenus, *σύνοψις ιστοριῶν ... συλλεγείσα ... ἐκ διαφόρων βιβλίων*, where mention is made of the operations of summary and collecting, but not of redaction.

As expected, the references to collection are avoided by ‘true’ historians who are less dependent on sources, as in the case of Leo Diaconus (*ιστορία*), Psellos (*χρονογραφία*?) Attaliates (*ιστορία ἐκτεθείσα...*), or Nicetas Choniates (*χρονικὴ διήγησις*). In these cases, references to the summary or compilation of sources in the title are less appropriate and the use of technical terms apparently suffices to define the authors’ task. There are, however, works whose authors stress their role in composing the text, thus making structure and order a main issue in the process of rewriting the sources. This leads us to the following point.

2.3. Order and structure

Explicit mention of the author’s task of ordering and composing a history is mostly deduced from the use of the word *ιστορία* in the title itself, so that it appears obviously superfluous to refer to these operations when this word or another equivalent is employed. However, when this is not the case, most prominently in chroniclers, the author (or whoever composed the title of his work) may eventually want to begin his work by stressing the task he undertook when making a coherent structure out of his (disparate) sources.

See, for example, the case of the chronicle of George the Syncellus, which was transmitted with the title *ἐκλογὴ χρονογραφίας συνταγείσα ὑπὸ Γεωργίου μοναχοῦ συγκέλλου* where the participle *συνταγείσα*, from *συντάσσω*, already pointed to the composing task assumed by the author. Again, the homonymous chronicler George the Monk combined the participles *συλλεγὲν καὶ*

συντεθὲν in order to make it evident that the chronicler did not just ‘collect’, but also ‘arrange’ his sources: χρονικὸν σύντομον ἐκ διαφόρων χρονογράφων τε καὶ ἐξηγητῶν συλλεγὲν καὶ συντεθὲν...

On other occasions, it is not in the title but in the proem where the historian pays attention to the composition of the work. A special case is posed by Skylitzes, whose work was given the title σύννοψις ἱστοριῶν, as we saw above. In the proem, the author refers to his task both as compiler (with participles such as ἀναλεξάμενοι in line 45 and συλλεξάμενοι in line 48) and composer (again with participles such as συνθεὶς ἱστορίαν in line 38 and συνθέμενοι in line 50). Even more curious is the case of Theophanes. In his much discussed proem, he stresses that by composing his work ‘he did not *arrange* anything by himself’ (οὐδὲν ἄφ’ ἑαυτῶν συντάξαντες), ‘but, after *making a selection* from the ancient historians and prose writers, consigned to their proper places the events of every year, setting them down without confusion’ (ἀλλ’ ἐκ τῶν ἀρχαίων ἱστοριογράφων τε καὶ λογογράφων ἀναλεξάμενοι ἐν τοῖς ἰδίῳις τόποις τετάχαμεν ἐκάστου χρόνου τὰς πράξεις, ἀσυγχύτως κατατάττοντες). Apparently, Theophanes refused to present himself as a genuine historian.

The terms used to refer to the composition or structure of the works, such as σύνθεσις, σύνταγμα, or σύνταξις, were already used and commented upon by the ancient rhetoricians (see particularly the περὶ συνθέσεως ὀνομάτων of Dionysius of Halicarnassus). Byzantine authors obviously paid much attention to structure when they composed texts of their own, but they did not consider structure a main issue when they rewrote previous works, for the structure was already given by the source. Only when the author created a new work on the basis of several sources, as in the case of the chroniclers and historians, the structure could figure prominently as a major task.

However, the author was not always successful in producing a coherent structure from his sources. Michael Italicus, who lived in the first half of the twelfth century, discussed one of these failed attempts at length in a letter he wrote. In the letter, Italicus comments on the theological work of an unnamed patriarch that his addressee, a chartophylax, had lent him for a few days. Italicus notes that only the proem of the work is original, but for the most part the rest is a patchwork of passages of different authors

(τὰ πλείω συνέρχονται καὶ συγκέκρουσται) whom he then lists by name. He concludes:

Καὶ ἔστιν ἡ βιβλος αὐτῷ ψαλτήριον δεκάχορδον ἢ καὶ τούτου πολύχορδον, ἐνὶ τῷ τεχνίτῃ πανταχόθεν καὶ ἀπὸ διαφόρων φθόγγων συναρμολογούμενον, καὶ τὸ δὴ θαυμασιώτερον ὅτι οὐδὲ ὑπὲρβησε τοὺς φθόγγους, οὐδὲ παρέτεινε τὰς χορδὰς, οὐδὲ τὸ γένος μεθέρημοσεν, ἀλλ' ὥς ἕκαστον εἶχε καὶ φθόγγου καὶ τόνου καὶ κάλλους ἀφήκεν ἀπαρεγχείρητον.³⁶

And his book is more of a ten-stringed psaltery, or even many-stringed, adjusted by a single craftsman from everywhere and from different sounds, and, what is most suprising, he did not modify the sounds, nor tighten the strings, nor adjust the scale, but left unchanged the sound, scale or beauty of every single piece.

Through this elaborate musical simile, Italicus thus expresses his disgust at the reading of a work that is the mere conflation of sources, but whose pieces lack harmony (to continue with the image) and are apparently juxtaposed without being adjusted to the whole. In this case, although the author is ambiguous, it is likely that he did not only refer to the lack of a structure, but also to the absence of a stylistic rewriting of the sources. This leads us to the next and last point to be considered in our survey.

2.4. Style

The most important operation involving rewriting affects the style. The rewriting of a text in a new style is the last stage in the creative process, and hence comes after the compilation and arranging of the sources, although it is simultaneous with the process of summarizing or expanding upon the original, provided of course that this kind of change is deemed necessary by the author when working on his sources – in the case of the unnamed patriarch of the letter of Italicus it was apparently not. Obviously, simple collections of excerpts or *gnomai*, which did not care too much about creating a new structure for the συλλογή and only ordered the pieces according to a thematic or alphabetic prin-

³⁶ Gautier 1972, letter 36.

ciple, did not alter the original wording either. Yet things went differently for authors who cared about structure, for they probably considered themselves men of letters and wanted to leave their stylistic mark on the texts they wrote by levelling down the differences of style of the original sources.

The process of rewriting the style of the original source is thus very common, but its mechanisms have, until now, not been studied in a systematic way for different reasons that are beyond the scope of our paper. The main problem remains as to whether the change in level from a stylistic point of view was in fact a change in the level of the speech. Obviously, I refer to the problem of Byzantine diglossia. For this, the Byzantines themselves were of no avail, for they always considered that Greek had only one grammar, that of the Classical Greek. The spoken language was simply a deviation from this rule and could be occasionally tolerated (for example in the poetry of the Comnenian age), but never promoted to the status of a grammatical language or even of a level of the speech. Accordingly, it is in making an abstraction of this aspect that we must approach Byzantine texts in the search for a vocabulary to describe the stylistic rewriting process.

The most frequent words used are *παράφρασις* and *μετάφρασις*. In Byzantine studies today we tend to use both terms according to their modern meaning: *paraphrasis* as the mere rendering of the content of a given text by means of new words and *metaphrasis* as implying also some change of style or of the pattern of language.³⁷ On the other hand, the Classical philologists tend to employ *paraphrasis* for both uses and seem to ignore the technical meaning that *metaphrasis* has acquired among Byzantinists. Finally, many editors seem to use the terms without further reflection and without considering what they actually meant for the Byzantine writers. We occasionally find strange combinations of both such as a ‘paraphrasis of a metaphrasis’ of the odes of John Geometres.³⁸ Under such circumstances, it is

³⁷ For more reflections on the term metaphrasis, see the contribution of Martin Hinterberger in this same volume, to which I am greatly indebted for some of the approaches to this term discussed here.

³⁸ De Groote 2003.

convenient to reflect on how the Byzantines employed and understood these terms.³⁹

Let us first read the definition given by Choeroboscus for some terms related to the rewriting process:

ΠΕΡΙΦΡΑΣΙΣ. Περίφρασις ἐστὶ περισσὴ φράσις διὰ πλειόνων λέξεων ἔν τι σημαίνουσα, ὡς ὅταν ἀντὶ τοῦ εἰπεῖν μὰ τὸν θεὸν εἴπῃ τις μὰ τὴν φοβερὰν ἡμέραν τοῦ θεοῦ. οὐδὲ γὰρ πλέον τι ἐσήμαινε διὰ τῶν πολλῶν τούτων λέξεων εἰ μὴ τὸν θεόν. διαφέρει δὲ φράσις, περίφρασις, μετάφρασις, ἔκφρασις, ἀντίφρασις καὶ σύμφρασις. **φράσις** μὲν γὰρ ἡ ἀπλῶς λέξις λέγεται, **περίφρασις** δὲ ἡ περισσὴ φράσις, ὡς τὸ κάλεσόν μοι τὴν βίην τοῦ Ἡρακλέους, ἀντὶ τοῦ τὸν Ἡρακλῆν, **μετάφρασις** δὲ ἡ ἐναλλαγὴ τῶν λέξεων κατὰ τὸ ποσὸν ἢ πλειόνων ἢ ἐλαττόνων μετὰ ῥητορικοῦ κάλλους γινομένη, ὡς ὁ Μεταφραστὴς ἡμῖν δείκνυσιν ἐν ταῖς μεταφράσεσιν. **παράφρασις** δὲ ἡ ἐναλλαγὴ τῶν λέξεων κατὰ τὸ ποσὸν τῶν αὐτῶν, ὡς τὸ μῆνιν ἄειδε θεά, παραφράζων εἶπε, τὴν ὀργὴν εἶπε ὦ Μοῦσα. **ἔκφρασις** δὲ ἡ λεπτομερὴς διήγησις, ἡ ἐνεργῶς καὶ σχεδὸν εἰς ὅσιν φέρουσα ἡμῖν τὸ διηγούμενον, ὅπως ἔχει θέσεως καὶ κάλλους, ὡς ἡ ἔκφρασις τοῦ ἱεροῦ Ἀλεξανδρείας ἡ πόλεων ἐτέρων τινῶν. **ἀντίφρασις** δὲ ἡ δι' ἐναντίων λέξεων τὸ ἐναντίον σημαίνουσα, ὡς ἀργυροῦς Αἰθίοψ. **σύμφρασις** δὲ ἡ συνακολούθησις τοῦ λόγου ἢ λέξεων σύνθεσις, ὡς νοβελήσιμος ὑπέρτατος.⁴⁰

Choeroboscus expressly states that the **μετάφρασις** involved a rhetorical change (**μετὰ ῥητορικοῦ κάλλους γινομένη**), whereas this remark is absent from his definition of **παράφρασις**, which apparently respected even the structure of the original text as far as the number of words was concerned (**κατὰ τὸ ποσόν**). The text even refers to the work of Symeon Metaphrastes as the **μεταφραστής** par excellence, thus making it clear that the rewriting of a text written in plain Greek into a higher (or more rhetorical) level of speech is actually meant here.⁴¹ The definition of the term in the lexicon of Pseudo-Zonaras appears to confirm

³⁹ For a first and stimulating approach to **παράφρασις** and **ἐρμηνεία**, see Pignani 1983.

⁴⁰ George Choeroboscus, *Περὶ τρόπων ποιητικῶν*, ed. Spengel 1853-1856, III, p. 251.

⁴¹ This must be an interpolation if Choeroboscus lived in the ninth century. For a comment on the passage, see Høgel 2002, p. 58-59, who considers that the definition of **μετάφρασις** in this text 'depends on the meaning this term acquired after Symeon Metaphrastes'. This would have consequences for a diachronic study of the sense of the word.

this interpretation insofar as we understand ἐρμηνεία as style (for more on this see below):

Μετάφρασις· ἐρμηνείας ἀλλοίωσις, τὴν αὐτὴν δὲ φυλάπτουσα διάνοιαν.⁴²

However, the traditional, ancient use of μετάφρασις actually means a plain ‘paraphrase’ of a text written in the high style without any rhetorical rewording as we saw above when dealing with the Damascene *metaphrasis* of the passage of Gregory of Nazianzus. This is a frequent use. In the following passage of the grammarian Michael Syncellus, for example, a Homeric verse is given a μετάφρασις, that is, it is expressed in common Greek for the understanding of the reader:

Ὁ ἦτοι σύνδεσμός ἐστι κοινὸς καὶ ποιητικὸς. Κοινὸς μὲν λαμβανόμενος διαzeugτικὸς γίνεται, ποιητικὸς δὲ ἀντὶ τοῦ μὲν συμπλεκτικοῦ εὐρίσκεται καὶ ἐν ταῖς ἀρχαῖς τῶν λόγων τάσσεται, ὥς ἐν τῷ ποιητῇ· ἦτοι ὁ γ’ ὡς εἰπὼν κατ’ ἄρ’ ἔξετο· τοῖσι δ’ ἀνέστη· ἡ γὰρ μετάφρασις τοῦδε τοῦ στίχου τοιάδε ἐστὶν «οὗτος μὲν οὕτως εἰπὼν ἐκαθέζετο, ἐν τούτοις δὲ ἀνέστη»· ὥστε ἐντεῦθεν δῆλον ὅτι περὶ ὁ ἦτοι ἀντὶ τοῦ μὲν παραλαμβάνεται ἐν τῇ ποιήσει.⁴³

Moreover, the term μετάφρασις is also used for translating from one language into another as in the following text of the Suda, where a sophist Zenobios is said to have written a *metaphrasis* in Greek of the Latin *Histories* of Salust:

Ζηνόβιος, σοφιστής, παιδεύσας ἐν Ῥώμῃ ἐπὶ Ἀδριανοῦ Καίσαρος. ἔγραψεν Ἐπιτομὴν τῶν παροιμιῶν Διδύμου καὶ Ταρραίου ἐν βιβλίοις τρισί, Μετάφρασιν Ἑλληνικῶς τῶν Ἱστοριῶν Σαλουστίου τοῦ Ῥωμαϊκοῦ ἱστορικοῦ καὶ τῶν καλουμένων αὐτοῦ Βελῶν, Γενεθλιακὸν εἰς Ἀδριανὸν Καίσαρα· καὶ ἄλλα.⁴⁴

In other cases, however, the change operated by the μετάφρασις is not of a level of style but of literary pattern, that is, a change of genre. This sense, as Martin Hinterberger, following Horrocks, argues in this volume, is best rendered by ‘transposition’.⁴⁵ The

⁴² Pseudo-Zonaras, *Lexicon*, ed. Tittmann 1808, p. 1345.

⁴³ Michael Syncellus, *Syntaxis*, ed. Donnet 1982, §190.

⁴⁴ *Suda* Z 73.

⁴⁵ More examples are furnished by Hinterberger in this same volume. See Horrocks 2010, esp. p. 227. This meaning of ‘transposition’ is best rendered by

meaning appears clearly in the following passage of the *Library* of Photius:

Ἀνεγνώσθη μετάφρασις τῆς Ὀκτατεύχου· ἥρῳον δ' αὐτὴν μέτρον μετεποίη, λόγοι δ' ἦσαν ἢ κατὰ ἀριθμὸν καὶ τομὴν τῶν ἀμειφθέντων.⁴⁶

The passage refers to the μετάφρασις of the Octateuch (the first eight books of the Bible) into epic verses (ἥρῳον... μέτρον) made by the Empress Eudocia; a work that has been handed down without a title. Photius uses the verb μεταποιέω ('alter, remodel, re-compose')⁴⁷ to express the change of the original text from prose into verse; a change that operated according to the number and division of the substituted (ἀμειφθέντων) books (of the original Pentateuch).

If we consider that changes of style and genre are particular usages of a broader meaning, we could perhaps establish the following schema for μετάφρασις:

μετάφρασις 1 translation from one language into another (for example: from Latin to Greek); **2** change of the stylistic or literary pattern of a text: **2a** rewriting of a text according to the rules of a new literary genre (for example from prose to verse); **2b** rewriting of a text into a higher style (as in Symeon Metaphrastes); **2c** rendering of the content of a Classical text in common Greek (as in the Damascene and Michael Syncellus).

If we now turn our attention to the use of παράφρασις, we discover that it is also mostly used for rewriting a text with other words, but without any connotation about change of style or level of language. The lexicon of Pseudo-Zonaras renders the meaning of the term as follows:

the word μεταβολή used by Nonnus of Panopolis to refer to his verse version (modernly called paraphrase!) of the prose of the Gospel of John insofar as it implies a change in genre. Cf. the ed. of A. Scheindler 1881. The name μεταβολή appears, however, in the title of the work and may not be original. See also Pignani 1983, p. 29–30.

⁴⁶ *Library*, Codex 183 (128a).

⁴⁷ The words μεταποιέω and μεταποίησις have a rather rhetorical colour. See, for example, τῶν δὲ ῥωμαϊκῶν λέξεων τὴν συνθήκην εἰς τὴν ἐλλάδα γλώσσαν μετεποίησαμεν in the proem of the *Πρόχειρον νόμων*, ed. Zachariae von Lingenthal 1837.

Παραφραστικῶς. παραφράζειν ἐστὶ τὸ ἔχεισθαι τινῶν μὲν λέξεων, τινῶν δὲ ἀπέχεισθαι.⁴⁸

This use fits in well with the philosophical *παράφρασις*, which intended to clarify the original wording of a given philosopher by rewriting his text with other words instead of commenting on it by sections as done in the *ἐξήγησις*.⁴⁹ The preface of Sophonias (ante 1294–1351) to his paraphrase of the Aristotelian *On the soul* deals at some length with the differences between these two procedures.⁵⁰ In the preface, references are obviously made to the attention that must be paid to rhetorical figures and periods (*σχήμασι καὶ περιόδοις*) by the *παραφρασταί*, but these are demands which, at that time, applied to every single piece of text written in the learned language. As expected, greatest emphasis is placed on clarity (*σαφήνεια*), for the main purpose of the *παραφραστής* is to clarify the obscure phrasing of the original, in this case Aristotle.

However, Eustathius of Thessalonica does appear to use the term for a stylistic reworking of a text as well, which would be closer to meaning **2b** of *μετάφρασις*. This fits in well with the sense Theon gave to the term in his *progymnasmata* as we already saw at the beginning of the chapter. However, the term *παράφρασις* is used less (was it perhaps considered more antiquarian or rhetorical?) than *μετάφρασις* and both are contrasted only infrequently, as Choeroboscus did. Significantly, Eustathius barely uses the term *μετάφρασις* instead in his extensive commentaries to the *Iliad* and *Odyssey*, whereas the term *παράφρασις* is ubiquitous. See the following three quotes of Eustathius:

(Il. 11.395) «ὃ δὲ αἷματι γαῖαν ἐρεῦθων πύθεται, οἰωνοὶ δὲ περὶ πλέες ἢ γυναικες». ὃ παράφρασις διασαφητική ἐστὶ τοῦ ἐν ἄλλοις ῥηθέντος, ὡς οἱ ἐν πολέμῳ κείμενοι οἰωνοῖς ἦσαν φίλτεροι ἢ γυναιξί.

(Il. 14.316) Τὸ δὲ «θυμὸν ἐνὶ στήθεσσι περιπροχυθεὶς ἐδάμασσε». περίφρασις ἐστὶ καὶ παράφρασις τοῦ «πυκινὰς φρένας ἀμφεκάλυψε», ὥσπερ καὶ τὸ «περιπροχυθεὶς» καθ' ὁμοιότητα ἐρρέθη τοῦ «ἀμφιχυθεὶς».

⁴⁸ Pseudo Zonaras, *Lexicon*, ed. Tittmann 1808, p. 1526.

⁴⁹ See Pignani 1983.

⁵⁰ For the preface see extensively Manolova 1998.

(Od. 14.428) Τὸ δὲ «ἐς πόνον δημόν» ἔστι μὲν ἐρμηνεία τις ἢ παράφρασις τοῦ «κατά τε κνίσση ἐκάλυψαν». ⁵¹

Of the three examples, the first one seems more neutral: παράφρασις διασαφητική is somehow an ‘explanatory paraphrase’. In the other two usages, the term παράφρασις is combined with rhetorical terms: περίφρασις and ἐρμηνεία. It seems as if in each case Eustathius attempted to specify the exact meaning of παράφρασις (which he perhaps felt to be ambiguous) by means of other words. Moreover, it is important to stress that Eustathius refers to Homer’s text in both cases (as in general in his work) as a παράφρασις of a plain expression he quotes later, but not the other way round. That is to say, he does not say that Homer is to be *translated or rendered so-and-so*, but rather that Homer *paraphrases* a phrase (in the sense that he rewrites it in a more polished or rhetorical way), which is supposed to be the natural way to express an idea. It would seem as if Eustathius were wholly ignorant of any sense of diachrony or change in the evolution of the Greek language.

This sense of stylistic rewriting is also implicit in the passage of the *Epitome* of Zonaras:

ὅθεν τῶν παίδων τῶν χριστωνύμων εἰργομένων μετιέναι τοὺς ποιητὰς, ὁ Ἀπολινάριος λέγεται εἰς τὴν τοῦ Ψαλτηρίου ὁρμηθῆναι παράφρασιν καὶ ὁ μέγας ἐν θεολογίᾳ Γρηγόριος εἰς τὴν ποίησιν τῶν ἐπῶν, ἵν’ ἀντὶ τῶν Ἑλληνικῶν μαθημάτων ταῦτα οἱ νέοι μανθάνοντες τὴν τε γλῶσσαν ἐξελληνίζωνται καὶ τὰ μέτρα διδάσκωνται. ⁵²

Zonaras informs us here that when Emperor Julian denied the Christians access to education because their books (the gospels) were not adequate for teaching, they proceeded to compose texts in the high style. Apolinarius’s work is thus significantly labelled as a παράφρασις of the *koine* Greek of the Psalter. The classicist poems of Gregory of Nazianzus are also presented as a model of cultivated speech.

Thus, so far we have two basic meanings of παράφρασις:

⁵¹ Eustathius of Thessalonica, *Commentary to the Iliad*, ed. Van der Valk 1971–1987, III, p. 216 and 649 and *Commentary to the Odyssey*, ed. Stalbaum 1825–1826, II, p. 81.

⁵² Zonaras, *Epitome*, ed. Büttner-Wobst 1897, p. 62.

παράφρασις 1 *rendering of the content of a text by means of other words, eventually respecting the original structure of the original text;*
2 (more specifically, perhaps old fashioned) *stylistic rewriting of a text* (as in **μετάφρασις 2b**).

As we see, meanings **1**, **2a** and **2c** of **μετάφρασις** do not seem to be attested for **παράφρασις**. Moreover, the neutral meaning **1** of **παράφρασις** is perhaps not applicable to **μετάφρασις**. On the other hand, meaning **2** of **παράφρασις** closely resembles meaning **2b** of **μετάφρασις**, but this is perhaps more antiquarian or restricted to rhetorical writers and does not necessarily imply an upgrading, but simply a change of style, as in the passage of Theon quoted above.

Apparently, there is some sense in all this. Significantly, some confusion prevails between levels of language and levels of style. Perhaps it was to avoid such confusion that the new terms **μεταγλωττισμός** and **μεταγλώττισις** appeared from the second half of the twelfth century, obviously accompanied by their corresponding verbal form **μεταγλωττίζω**.⁵³ Several authors of this period used it to always refer to translations from another language (preferably Hebrew) into Greek. So, for example, Gregorius Antiochus: ἐπὶ τὴν Ἰδουμαίαν, τὸν αἱματώδη πηλόν, φαίεν οὕτως οἱ μεταγλωττισταί, ‘the translators would thus refer to *Idumea* as the *bloodish lime*’;⁵⁴ Constantine Stilbes: ἑξομολόγησις δὲ τοῦ Ἰούδα ὁ μεταγλωττισμός, ‘the translation of *Juda* is *confession*’;⁵⁵ Manuel Carantenus: Μεταγλωττίζεται μὲν Σολομών εἰς εἰρηνικόν, ‘The name *Solomon* is translated as *peaceful*’;⁵⁶ or Michael Choniates: ἡ Γαλιλαία εἰς κατακυλιστὴν μεταγλωττίζεται, ‘*Galilea* is translated as the (land) that *rolls down*’.⁵⁷

This specific technical use of **μεταγλωττίζω** and **μεταγλωττισμός** for translation between languages offered a new possibility of differentiating between changes of style and language. How-

⁵³ Trapp 1994–, p. 1005–1006 includes all these terms and others of the same root, that appear for the first time in this century and are not registered in the Greek texts of Antiquity.

⁵⁴ *Epitaphion* 2, ed. Sideras 1990, p. 79.

⁵⁵ *Oratio in honorem Georgii Xiphilini*, ed. Loukaki 2005, §1.

⁵⁶ *Didaskalia*, ed. Criscuolo 1976, §2, line 23. This work can be dated to the years 1198–1206.

⁵⁷ *Oratio* 12, ed. Lampros 1879–1880, I, p. 188.

ever, it was never applied to changes between the linguistic levels in Greek. Moreover, μεταγλωττισμός did not supersede the use of meaning 1 of μετάφρασις, which continued to appear in Byzantine texts (although it sometimes seems to have acquired a negative connotation in post-byzantine Greek in the sense of ‘falsify’).⁵⁸ This is clear proof of the faint awareness of the existence of *linguistic* strata in the Greek.

Nonetheless, to draw a clear picture of these problems, the research must include other Greek terms also related to style and change, such as ἐξελληνίζω and ἐρμηνεία.

The verb ἐξελληνίζω appears in the above-mentioned passage of Zonaras where it is said that Apolinarius’s rewriting as well as the poetic compositions of Gregory of Nazianzus will help the young Christian students to ‘classicize their Greek speech’ (τὴν γλώσσαν ἐξελληνίζονται) and ‘learn the metres’ (τὰ μέτρα διδάσκονται). This same sense of ἐξελληνίζω for the use of an ornate or higher Greek is also implicit in a passage of the *Life of Symeon the New Theologian* of Nicetas Stethatus, which describes the education of the saint:

ἤδη δὲ τῆς τελεωτέρας ἀπτόμενος ἡλικίας καὶ τῶν τελεωτέρων ἤπτετο θερμοτέρως μαθημάτων, ὅθεν καὶ κάλλιστα τὰ τῶν ταχυγράφων ἐν βραχεί τῷ χρόνῳ κατωρθωκὼς ὥραία γράφειν λίαν μεμάθηκεν, ὥς τὰ ὑπ’ ἐκείνου γραφέντα βιβλία πιστοῦται σαφῶς τὸ λεγόμενον. ἐλείπετο δὲ αὐτῷ ἐξελληνισθῆναι τὴν γλῶτταν τῇ ἀναλήψει παιδείας τῆς θύραθεν καὶ λόγου εὐμοιρῆσαι ῥητορικοῦ.⁵⁹

When he [Symeon] had already reached the adult age, he embraced with enthusiasm the highest studies, so that, after completing in a short time and in the most excellent manner the art of writing quickly, he learnt to write calligraphically, as is clearly witnessed by the books copied by him. It remained for him to classicize the Greek of his speech by embracing the profane learning and taking part in the rhetorical training.

⁵⁸ Stephou 2011, p. 82–84.

⁵⁹ Nicetas Stethatus, *Life of Symeon the New Theologian*, ed. Hausherr 1928, §2. For the dependence of this passage from the Vita A of Theodorus Studites (PG 99, col. 117C) and the epitaphios of Gregory of Nazianzus to Basil the Great (ed. Bernardi 1992, p. 174), which both use again the verb ἐξελληνίζω, see Hinterberger 2012, p. 253–254.

The same sense applies to the following passage of Theophanes Continuatus:

τῆς κατὰ τὴν Μαгнаύραν μὲν οὗτος ἦρχε φιλοσόφου σχολῆς, ὁ δὲ δὴ τούτου φοιτητῆς Θεόδωρος τοῦ τῆς γεωμετρίας διαιτητηρίου προϊστάτο, καὶ Θεοδήγιος τοῦ τῆς ἀστρονομίας, καὶ Κομητᾶς τῆς τὰς φωνὰς ἐξελληνιζούσης γραμματικῆς.⁶⁰

He [Leon the Philosopher] took charge of the school of Philosophy at the Magnaura, and his pupil Theodore was at the head of the room of geometry, Theodegius that of astronomy, and Cometas that of grammar which classicizes Greek speech.

Finally, the lexicon of Pseudo-Zonaras renders ἐξελληνίζει as εὐθυθμον ἀπεργάζεται, ‘makes (the speech) balanced’.⁶¹

In other texts, however, we find ἐξελληνίζω employed for the translation from one language to another. This use appears in a passage of Zonaras (based on the *History* of Dio Cassius):

ἐπὶ τούτοις ἄλλας τε τῷ Οὐαλλερίῳ ὁ δῆμος τιμὰς ἐψηφίσατο καὶ Μάξιμον ἐπωνόμασεν· ἐξελληνιζόμενον δὲ μέγιστον σημαίνει τὸ ὄνομα.⁶²

Beside these, the populace voted other honours to Valerius and named him ‘Maximus’; this name, translated, means ‘greatest’.

Of course, in many passages of juridical and legal texts the verb ἐξελληνίζω usually refers to the translation from Latin to Greek, as is well known to the scholars of Byzantine law. Again stylistic and linguistic uses are confused.

The same appears to be true for ἐρμηνεία. The word, as is well known, means ‘exegesis, interpretation’ in philosophical contexts. It also means ‘translation’, exactly as occurs with the Latin term *interpretatio*.⁶³ This use is very common in Byzantium, where the ‘big interpreter’ at the Imperial Court was called μέγας ἐρμηνευτής. Thus the documents translated into Greek from the Latin in

⁶⁰ *Theophanes Continuatus*, ed. Bekker 1838, p. 192.

⁶¹ Pseudo-Zonaras, *Lexicon*, ed. Tittmann 1808, p. 771.

⁶² Zonaras, *Epitome*, ed. Dindorf 1868–1870, II, p. 127.

⁶³ Pignani 1983, p. 23–24.

some councils are called ἐρμηνεῖαι.⁶⁴ For instance, at one point during the second session of the Council of Nicaea held in 787, the Imperial Asekretis Nicephore read a letter from the Pope. The document is introduced in the following way:

ἐρμηνεῖα γραμμάτων Ῥωμαίων Ἀδριανοῦ τοῦ ἀγιωτάτου πάπα Ῥώμης⁶⁵

translation of the Latin letter of Hadrian the most saintly Pope of Rome

Further on in the council there is a mention of the letter of Hadrian:

ἐπιστολὴ Ἀδριανοῦ τοῦ ἀγιωτάτου πάπα τῆς πρεσβυτέρας Ῥώμης ἐρμηνευθεῖσα ἐκ τῆς τῶν Ῥωμαίων διαλέκτου εἰς τὴν Ἑλλάδα φωνήν⁶⁶

letter of the most saintly Pope Hadrian of the Old Rome, translated from the Latin language into the Greek speech

There is an interpolated passage where the Latin translator of the acts, the librarian Anastasius, introduces himself and describes his task:

Ἀναστάσιος ὁ τῆς ἀγίας τῆς τῶν Ῥωμαίων ἐκκλησίας βιβλιοφύλαξ, ὁ καὶ τὴν παρούσαν ἐφερμηνεύσας σύνοδον...

Anastasius, the bibliothecarius of the saintly Church of the Romans, the translator of the present [acts] of the synod...⁶⁷

This ambiguity of the words ἐρμηνεῖα and ἐρμηνεύω occasionally renders the interpretation of some passages difficult as, for example, in the following one:

⁶⁴ In later councils the word used is μεταγλωττισμός and the interpreter or translator is called μεταγλωττιστής. See, for example, the following passage from the acts of the council of Florence of 1439, ed. J. Gill 1953, ch. 10, p. 422: ὁ πάπας διὰ τοῦ ἐρμηνέως, ἤγουν τοῦ μεταγλωττιστοῦ, καὶ εἶπεν ἡμῖν, 'the Pope addressed us through the ἐρμηνεύς, that is to say, the μεταγλωττιστής'.

⁶⁵ Lambertz 2008, p. 118.

⁶⁶ Lambertz 2008, p. 174.

⁶⁷ Mansi 1758-1798, XII, col. 1071-1072.

ἤσκητο γὰρ ὁ ἅγιος καὶ εἰς κάλλος γράφειν καὶ σοφῶς ἐξελληνίζειν καὶ ἐφερμηνεύειν τὰ θεῖα. Καὶ γὰρ ἀπὸ τοῦ ἑβραϊκοῦ τῆς παλαιᾶς γραφῆς πάσης εἰς τὸ ἐλληνικὸν ἐρμηνεῖται ἑπτὰ εἰσι.⁶⁸

Did Lucian, the reputed founder of the Antiochian Theological School, write seven exegetical books of the Bible in Greek on the basis of the Hebrew text or did he translate seven books of the Hebrew Bible into Greek? I rather lean towards the second option considering the presence of the verb ἐξελληνίζειν close to ἐφερμηνεύειν, for the first already implies that Lucian classized the Greek of the Bible. This may have some bearing on our understanding of Lucian's work with the Bible, a debatable issue.⁶⁹

More importantly for our purpose here is the third meaning of ἐρμηνεία, 'style', which was very frequent in rhetorical treatises. This conflation of meanings such as 'translation' and 'style' into a single word closely resembles the interpretation we considered above for ἐξελληνίζω and surely does not rest on mere chance, but again reflects the confusion that operated in the eyes of the Byzantines between levels of speech and levels of style.

3. Conclusions

The purpose of the present paper was to propose new strategies for a comprehensive study of rewriting processes in Byzantium. More specifically, I first established the utility of *lexica* and *metaphraseis* for identifying patterns of change in the vocabulary of the different levels of speech in Byzantine Greek. Second, I stressed the importance of a more detailed study of the specific vocabulary used by the Byzantine writers for describing the processes of rewriting. Research in both fields will undoubtedly help us to understand rewriting processes among the Byzantine writers; a key element in the transmission and reception of texts.

⁶⁸ *Synaxarion* 15 october, ed. Delehay 1902.

⁶⁹ The *Suda* s.v. Λουκιανός (Λ 685) says that Lucian αὐτὸς ἀπάσας ἀναλαβὼν ἐκ τῆς ἑβραϊδος αὐτὰς ἐπανενεώσατο γλώττης, 'after he had compiled all the volumes (of the Bible) from the Hebrew, restored their language (i.e., text)'.

4. Bibliography

- A. Adler (1928-1935), *Suidae lexicon*, Leipzig: Teubner (repr. 1971), 4 vols. (Lexicographi Graeci, 1.1-1.4).
- H. Beckh (1895), *Geoponica*, Leipzig: Teubner (Corpus scriptorum historiae Byzantinae, 45).
- I. Bekker (1838), *Theophanes Continuatus*, Bonn.
- J. Bernardi (1992), *Grégoire de Nazianze. Discours 42-43*, Paris: Editions du Cerf (Sources chrétiennes, 384).
- C. de Boor (1880), *Nicephori archiepiscopi Constantinopolitani opuscula historica*, Leipzig: Teubner (repr. 1975), p. 218-226.
- C. de Boor (1903), *Excerpta historica iussu imp. Constantini Porphyrogeniti confecta, vol. 1: excerpta de legationibus*, Berlin: Weidmann.
- L. Burgmann (1977), 'Byzantinische Rechtslexika', *Fontes Minores*, 2 (= *Forschungen zur byzantinischen Rechtsgeschichte*, 3), Frankfurt a.M., p. 87-146.
- L. Burgmann (1983), *Ecloga. Das Gesetzbuch Leons III. und Konstantinos' V*, Frankfurt am Main: Löwenklau Gesellschaft (*Forschungen zur byzantinischen Rechtsgeschichte*, 10).
- T. Büttner-Wobst (1897), *Ioannis Zonarae epitomae historiarum libri XVIII*, Bonn (Corpus scriptorum historiae Byzantinae, 49).
- U. Criscuolo (1976), 'Un'inedita didascalia di Manuele Karantenò o Sarantenò', *Bollettino della Badia Greca di Grottaferrata* 30, p. 142-146.
- I.C. Cunningham (2003), *Synagoge. Συναγωγή λέξεων χρησίμων. Texts of the Original Version and of MS. B*, Berlin & New York (Sammlung griechischer und lateinischer Grammatiker, 10).
- H. Delehaye (1902), *Synaxarium Constantinopolitanum. Propylaeum ad Acta Sanctorum Novembris*, Brussels.
- W. Dindorf (1863), *Scholia Graeca in Euripidis tragoedias*, Oxford: Oxford University Press, 4 vols.
- L.A. Dindorf (1868-1870), *Ioannis Zonarae epitome historiarum*, Leipzig: Teubner, 3 vols.
- D. Donnet (1982), *Le traité de la construction de la phrase de Michel le Syncelle de Jérusalem*, Brussels - Rome: Institut historique belge de Rome (*Etudes de philologie, d'archéologie et d'histoire anciennes*, 22).
- E.A. Fisher (1994), *Michaelis Pselli orationes hagiographicae*, Stuttgart: Teubner.
- M.T. Fögen (1990), 'Das Lexikon zur Hexabiblos aucta', in *Forschungen zur byzantinischen Rechtsgeschichte*, 17, p. 162-214.

- P. Gautier (1972), *Michel Italikos. Lettres et Discours*, Paris: Institut Français d'Études Byzantines (Archives de l'Orient Chrétien, 14).
- J. Gill (1953), *Quae supersunt actorum Graecorum concilii Florentini Pars II*, Rome: Pontificum Institutum Orientalium Studiorum.
- M. de Groote (2003), 'The Paraphrasis of Joannes Geometres' *Metaphrasis of the Odes*', *Greek, Roman and Byzantine Studies* 43, p. 268–304.
- I. Hausherr (1928), *Un grand mystique byzantin. Vie de Syméon le Nouveau Théologien par Nicéas Stéthatos*, Rome (Orientalia Christiana, 12).
- R. Henry (1959–1977), *Photius. Bibliothèque*, Paris: Les Belles Lettres, 8 vols.
- A. Hilgard (1901), *Grammatici Graeci*, vol. 1.3, Leipzig: Teubner (repr. Hildesheim: Olms 1965).
- M. Hinterberger (2010), 'Hagiographische Metaphrasen. Ein möglicher Weg der Annäherung an die Literarästhetik der frühen Paläologenzeit', in A. Rhoby & E. Schiffer (eds), *Imitatio – aemulatio – variatio. Akten des internationalen wissenschaftlichen Symposions zur byzantinischen Sprache und Literatur (Wien 22.-25. Oktober 2008)*, Wien (Veröffentlichungen zur Byzanzforschung, 21), p. 137–151.
- M. Hinterberger (2012), 'Ein Editor und sein Autor: Niketas Stethatos und Symeon Neos Theologos', in P. Odorico (ed.), *La face cachée de la littérature byzantine. Le texte en tant que message immédiat*, Paris, p. 247–264.
- Ch. Høgel (ed., 1996), *Metaphrasis. Redactions and audiences in middle Byzantine hagiography*, Oslo: The Research Council of Norway.
- Ch. Høgel (2002), *Symeon Metaphrastes. Rewriting and canonization*, Copenhagen: Museum Tusculanum Press.
- G. Horrocks (2010), *Greek. A history of the language and its speakers*, Chichester: Wiley and Blackwell (1st ed. London: Longman 1997).
- M. Horster & Ch. Reitz (eds, 2010), *Condensing texts – condensed texts*, Stuttgart: Franz Steiner Verlag (Palingenesia, 98).
- H. Hunger (1981), *Anonyme Metaphrase zu Anna Komnene, Alexias XI–XIII. Ein weiterer Beitrag zur Erschließung der byzantinischen Umgangssprache*, Wien: Verlag der österreichischen Akademie der Wissenschaften (Wiener Byzantinische Studien, 15).
- H. Hunger & I. Ševčenko (1986), *Des Nikephoros Blemmydes βασιλικὸς ἀνδριὰς und dessen Metaphrase von Georgios Galesiotes und Georgios Oinaïotes. Ein weiterer Beitrag zum Verständnis der byzantinischen Schrift-Koine*, Wien: Verlag der österreichischen Akademie der Wissenschaften (Wiener Byzantinische Studien, 18).

- G.A. Kennedy (2003), *Progymnasmata. Greek textbooks of prose composition and rhetoric*, Leiden: Brill.
- P.B. Kotter (1975), *Die Schriften des Johannes von Damaskos*, vol. 3, Berlin: De Gruyter (Patristische Texte und Studien, 17).
- E. Lambertz (2008), *Concilium Universale Nicaenum Secundum. Concilii actiones I-III*, Berlin - New York: De Gruyter (Acta Conciliorum Oecumenicorum, series secunda, volumen tertium, pars prima).
- S.P. Lampros (1879-1880), *Μιχαὴλ Ἀκομινάτου τοῦ Χωνιάτου τὰ σωζόμενα*, Athens (repr. 1968), 2 vols.
- M. Loukaki (éd. 2005), *Discours annuels en l'honneur du patriarche Georges Xiphilin*, Paris: Centre de recherches d'histoire et de civilisation byzantines (Monographies, 18), p. 169-177.
- C. Mango (1990), *Nikephoros, patriarch of Constantinople. Short History*, Washington: Dumbarton Oaks.
- D. Manolova (2008), *Sophonias the philosopher. A preface of an Aristotelian commentary: structure, intention and audience*, Budapest, unpublished thesis (available at <http://goya.ceu.hu/record=b1133776~S0>).
- J.D. Mansi (1758-1798), *Sacrorum Conciliorum Nova Amplissima Collectio*, Florence - Venice, 31 vols. (repr. Graz 1960-1961).
- M. Mülke (2010), 'Die Epitome – das bessere Original?', in Horster & Reitz 2010, p. 69-89.
- P. Noailles & A. Dain (1944), *Les nouvelles de Léon VI le Sage*, Paris: Les Belles Lettres.
- P. Odorico (1990), 'La cultura della συλλογή. 1) Il cosiddetto enciclopedismo bizantino. 2) Le tavole del sapere di Giovanni Damasceno', in *Byzantinische Zeitschrift* 83, p. 1-21.
- M. Patillon & G. Bolognesi (1997), *Aelius Théon, Progymnasmata*, Paris: Les Belles Lettres.
- A. Pignani (1982), 'La parafrasi come forma d'uso strumentale', in *JÖB* 32.3, p. 21-32.
- J. La Roche (1863), 'Παρεκβολαὶ τοῦ μεγάλου ῥήματος ἐκ τῶν Ἡρωδianoῦ', in *Programm des akademischen Gymnasiums Wien*, p. 4-37.
- A. Scheindler (1881), *Paraphrasis s. evangelii Ioannei*, Leipzig: Teubner.
- I. Ševčenko (1981), 'Levels of style in Byzantine prose', in *JÖB* 31.1, p. 289-312.
- I. Ševčenko (1982), 'Additional remarks to the report on levels of style', in *JÖB* 32.1, p. 221-233.
- A. Sideras (1990), *25 Unedierte byzantinische Grabrede*, Thessalonica: Παρατηρητής (Κλασικά Γράμματα, 5) p. 53-201.
- Ch. Simelidis (2009), *Selected poems of Gregory of Nazianzus: I.2.17; II.1.10, 19, 32. A critical edition with introduction and commentary*,

- Göttingen: Vandenhoeck & Ruprecht (Hypomnemata: Untersuchungen zur Antike und zu ihrem Nachleben, 177).
- L. Spengel, (1853–1856), *Rhetores Graeci*, Leipzig: Teubner (repr. 1966).
- G. Stallbaum (1825–1826), *Eustathii archiepiscopi Thessalonicensis commentarii ad Homeri Odysseam*, Leipzig: Weigel (reprint Hildesheim 1970), 2 vols.
- L. Stephou (2011), *Die neugriechische Metaphrase von Stephanites und Ichnelates durch Theodosios Zygomalas*, Madrid: Consejo Superior de Investigaciones Científicas (Nueva Roma, 35).
- Ch. Theodoridis (1982–), *Photii patriarchae lexicon*, Berlin: De Gruyter.
- J.A.H. Tittmann (1808), *Iohannis Zonarae lexicon ex tribus codicibus manuscriptis*, Leipzig (reprint Amsterdam 1967), 2 vols.
- I. Thurn (1973), *Ioannis Scylitzae synopsis historiarum*, Berlin: De Gruyter.
- E. Trapp (1994–), *Lexikon zur byzantinischen Gräzität*, Wien: Verlag der österreichischen Akademie der Wissenschaften.
- M. van der Valk (1971–1987), *Eustathii archiepiscopi Thessalonicensis commentarii ad Homeri Iliadem pertinentes*, Leyden: Brill, 4 vols.
- K.E. Zachariae von Lingenthal (1837), *Ὁ πρόχειρος νόμος. Imperatorum Basilii, Constantini et Leonis Prochiron*, Heidelberg.

SECTION 2

VIRTUAL LIBRARIES
AND CROSSED READINGS

L'AUTOMNE DU PATRIARCHE.
PHOTIOS, LA *BIBLIOTHÈQUE* ET LE
VENEZIA, BIBL. NAZ. MARC., GR. 450*

1. *La datation et la bipartition de la Bibliothèque*

L'histoire du texte de la *Bibliothèque* de Photios – 'le plus vaste monument de critique littéraire du Moyen-Âge'¹ – est hantée par deux questions fondamentales, qui conditionnent notre perception de cet ouvrage, de sa nature et de ses objectifs : il s'agit de l'époque de sa composition et de sa structure bipartie.

Toute hypothèse concernant la date de composition de la *Bibliothèque* doit tenir compte de la fameuse épître à Taraise : conservée, dans un état lamentable, dans seulement l'un des deux témoins fondamentaux de l'ouvrage, le Venezia, Bibl. Naz. Marc., gr. 450,² elle se présente comme une missive d'accompagnement,³ dans laquelle Photios, s'adressant à son ἀδελφός,⁴ dit avoir compo-

* Nous nous sommes occupés du Marc. gr. 450 dans un article paru récemment (Ronconi 2012b). La présente étude développe et approfondit les aspects que nous y avons traités. Guglielmo Cavallo et Oronzo Pecere ont eu la gentillesse de la relire. Qu'ils en soient remerciés!

¹ Schamp 2011, p. 67.

² La lettre occupe le fol. 1r du Marc. gr. 450. L'écriture originale y a été repassée : cf. à ce sujet Treadgold 1977, p. 343-349. Canfora 2001, p. 428 et ss. L'épître est absente de l'autre témoin fondamental de la *Bibliothèque*, le Venezia, Bibl. Naz. Marc., gr. 451, qui est acéphale. Il n'est toutefois pas certain qu'elle n'y ait jamais trouvé sa place : cf. Acquafredda 2012, p. 15. Sur le texte de la lettre cf. aussi Hägg-Treadgold 1986.

³ Pour Severyns 1937, p. 9, il s'agit même de 'la lettre d'envoi accompagnant le manuscrit de la *Bibliothèque*'.

⁴ Φώτιος ἡγαπημένῳ ἀδελφῷ Ταρασίῳ ἐν Κυρίῳ : cf. le Marc. gr. 450, fol. 1r et Henry I, p. 1.

sé la *Bibliothèque* à l'occasion d'une *προσβεία ἐπ' Ἀσσυρίους*.⁵ Les chercheurs évaluent ces renseignements de façons très diverses : si certains voient dans la lettre un document crédible, d'autres la considèrent comme un artifice littéraire. Les premiers ont essayé d'identifier la *προσβεία* qu'elle mentionne avec l'une des ambassades byzantines auprès des Arabes dont on a connaissance : dans les sources parvenues, il n'y a toutefois aucune référence à la participation de Photios à une mission de ce type. Cela n'a pas empêché la formulation de plusieurs hypothèses, selon lesquelles l'épître ferait référence à l'une des missions qui ont eu lieu en 838, 845 et 851 ou en 855/856.⁶ La composition de la *Bibliothèque* remonterait à la jeunesse ou à la maturité du savant, qui aurait achevé son ouvrage avant de partir pour l'Orient,⁷ ou bien pendant le voyage,⁸ ou encore, pendant son séjour chez les Arabes.⁹ Parmi les chercheurs qui considèrent la lettre comme un document crédible et attribuent l'ouvrage à la maturité de Photios, il faut mentionner Jacques Schamp, qui a proposé une interprétation originale de la locution *τὸ κοινὸν τῆς προσβείας* : comme elle ne correspond à aucune formule diplomatique byzantine connue, il faudrait entendre *προσβεία* avec le sens de 'intercession'. Par conséquent, il n'y aurait eu aucune ambassade : 'une fois patriarche, Photios s'engageait à intercéder (*προσβεύειν*) pour tout le monde chrétien auprès des "Assyriens" pour obtenir leur conversion'.¹⁰

En revanche, les chercheurs qui nient toute crédibilité historique à la lettre optent en général pour une date de composition plus tardive,¹¹ à situer vers les dernières décennies du IX^e s. : la *Bi-*

⁵ Ἐπειδὴ τῷ τε κοινῷ τῆς προσβείας καὶ τῇ βασιλείῳ ψήφῳ προσβεύειν ἡμᾶς ἐπ' Ἀσσυρίους αἰρεθέντας ἤτησας τὰς ὑποθέσεις ἐκείνων τῶν βιβλίων [...] : cf. le Marc. gr. 450, fol. 1r et Henry I, p. 1.

⁶ Pour l'an 838 se sont prononcés Ahrweiler 1965, p. 356-361 et Lemerle 1971, p. 179-180 ; pour l'an 845 Treadgold 1977, p. 347 ; Treadgold 1980, p. 12 et ss., 25 et ss., 35 et s., 111 ; Treadgold 1981, p. 123 et Treadgold 2002, p. 11 ; pour l'an 851 Schamp 2011, p. 67 ; pour l'an 855/856 Ziegler 1941, col. 677, Beck 1959, p. 526, Dvornik 1967, p. 575. Cf. en général, sur le sujet, Canfora 1995, p. 31-33.

⁷ Ziegler 1941, coll. 684-691 ; Irigoin 1962, p. 206 ; Treadgold 1980, p. 20.

⁸ Orth 1928, p. 9-10 ; Severyns 1938, p. 1-12.

⁹ Hemmerdinger 1956, p. 101-103, cité aussi par Henry I, p. LI-LII ; Dain 1975, p. 127.

¹⁰ Schamp 2012, p. 7. Sur la reconstruction de Schamp nous reviendrons infra.

¹¹ Parmi eux on peut citer Krumbacher 1897, p. 519, Klínenberg 1913, p. 18-19 et Canfora 1995, p. 33-34 ; 38-40 (critiqué par Schamp 2011, p. 71 n. 59).

bibliothèque serait donc un *Lebenswerk* qui, mis en chantier pendant la jeunesse ou la maturité du savant, l'aurait accompagné jusqu'à ses dernières années.¹²

Cette controverse se lie à l'autre grande question que nous avons évoquée, celle de la bipartition de la *Bibliothèque*. À partir du ch. 234, la nature de l'ouvrage change : les deux cent trente-trois premiers chapitres sont de véritables comptes-rendus, comportant généralement une série de renseignements standardisés sur les ouvrages concernés (nom de l'auteur, du dédicataire, description du contenu, évaluation stylistique).¹³ En revanche, les chapitres suivants se composent pour la plupart d'extraits, introduits par des formules comme ἀνεγνώσθη ἐκ et ὅτι.¹⁴ Cette bipartition n'a pas manqué de stimuler l'intérêt de chercheurs éminents,¹⁵ tels que Warren Treadgold et Schamp. Tous les deux convaincus que la *Bibliothèque* remonte à la jeunesse ou à la première maturité de Photios, ils ont proposé des explications complexes à ce propos. Selon Treadgold, le savant ne serait l'auteur que de la première partie de l'ouvrage, la seconde étant attribuable à un secrétaire, qui n'aurait fait que copier des notes de Photios 'without supervision'.¹⁶ Selon Schamp, 'Photios n'était pas homme à laisser échapper le plus petit document sur lequel il avait pu mettre la main' : dans un moment de crise, il aurait donc juxtaposé, à une première section déjà élaborée, la seconde, résultant 'd'une accumulation faite avec une hâte extrême'.¹⁷

Dans cet article, nous soumettrons le Marc. gr. 450,¹⁸ le manuscrit le plus ancien de l'ouvrage, à une étude approfondie. À partir de cette étude, nous proposerons quelques réflexions –

¹² Halkin 1963, p. 417, Markopoulos 2004, passim. Cf. aussi infra.

¹³ Cf. Schamp 2010, p. 665.

¹⁴ Cf. Treadgold 1980, p. 9 et s., Schamp 1984, p. 159 et Schamp 1987, p. 95 et s.

¹⁵ Cf. Severyns 1938, p. 6 et 174 ; Hägg 1975, p. 136 ; Mango 1975, p. 37 ; Canfora 1995, p. 43-44 ; Canfora 2001, p. 430 ; Micunco 2008, p. 376. Sur les remarques proposées, déjà au XVII^e s., au sujet de la bipartition de l'ouvrage cf. Canfora 2003, p. 144 et s.

¹⁶ Treadgold 1980, p. 14 et p. 113 ; Treadgold 1981, p. 124 ; Treadgold 2002, p. 12 et n. 40.

¹⁷ Les citations sont tirées de Schamp 2004, p. 553-554. Cf. aussi Schamp 2000, p. 20 et ss., 206.

¹⁸ Sur le manuscrit cf. au moins Martini 1911, p. 50-56. L'autre témoin fondamental est le Marc. gr. 451, sur lequel cf. Losacco 2006 et Acquafredda 2012, p. 12 et s. (avec bibl.).

à développer dans des travaux ultérieurs – concernant d’un côté, les questions de la datation et de la bipartition de la *Bibliothèque* ; de l’autre, la nature de l’épître à Taraise.

2. *Le Marc. gr. 450 : aperçu codicologique et paléographique*

De dimension moyenne (mm 325 x 245), le Marc. gr. 450 est aujourd’hui constitué de 537 feuillets en parchemin de qualité médiocre,¹⁹ Les cahiers – dont les deux derniers, aujourd’hui perdus, étaient presque certainement des quaternions²⁰ – étaient pourvus d’une double série de signatures fasciculaires : l’une, plus ancienne et en majuscule, est due aux copistes du livre et n’a survécu au rognage que dans la marge supérieure externe du premier feuillet *recto* de neuf cahiers ;²¹ l’autre, en minuscule, at-

¹⁹ Les défauts du parchemin dus à la fabrication sont nombreux et affectent souvent le cadre d’écriture.

²⁰ Leur nombre et leur consistance peuvent être reconstruits sur la base d’un simple calcul. Le texte s’arrête, en effet, au fol. 537v, au milieu du ch. 278 (527b34, *ad ταχέϊαν*) et les caractères nécessaires pour arriver à la fin de l’ouvrage occupaient environ seize feuillets. Le calcul est basé sur le TLG de la *University of California*, Irvine (version en ligne) : la section manquante comprend 62.640 caractères (espaces exclus). La capacité moyenne des feuillets dans la section finale du manuscrit est d’environ 1700–1800 caractères par page. Si le texte contenu originellement dans le *Marcianus* était identique à celui du TLG® (= éd. Henry), il manque environ 36 pages ($62.640 / 1750 = 35,794$), c’est-à-dire, 18 feuillets. Il faut toutefois considérer que l’avant-dernier chapitre de la *Bibliothèque* ne semble pas avoir été copié dans le *Marcianus*, suivant le *pinax*. Cela implique que les feuillets manquants peuvent avoir été effectivement 16. Cette déduction est d’ailleurs confirmée par la note apposée sur le *verso* du dernier feuillet, probablement par Théodore Scoutariote (*alias* le correcteur dit A³ : cf. Zorzi 2004, p. 836–844) : *λείπει φύλλα ις* [...].

²¹ Les cahiers 18^e, 19^e, 31^e, 34^e, 36^e, 41^e, 42^e, 50^e et 55^e : sur l’attribution des signatures anciennes aux différents copistes du *Marcianus*, cf. infra. Il y a deux irrégularités dans le numérotage des feuillets : le chiffre 14 est omis (la numérotation passe de 13 à 15, mais aucun feuillet n’est tombé) et le feuillet qui suit le 287 est numéroté 287^{bis}. Les cahiers qui ne sont pas des quaternions ont la structure suivante : cahier 9 : 1×3 (1+2, le premier feuillet du cahier manquant sans lacune textuelle) ; cahier 27 : 1×7 (3+4, troisième feuillet du cahier manquant sans lacune textuelle) ; cahier 35 : 1×5 (3+2, deuxième, troisième et quatrième feuillets dépareillés) ; cahier 39 : 1×9 (4+5 : dernier feuillet dépareillé) ; cahier 41 : 1×7 (4+3 : sixième feuillet du cahier manquant sans lacune textuelle) ; cahier 51 : 1×6 (3+3) ; cahier 60 : 1×4 (2+2). Le décalage d’une unité que l’on remarque entre les deux séries de signatures est dû au fait que celle en minuscule considère les trois feuillets constituant le 9^e cahier comme une unité fasciculaire autonome, alors que la plus ancienne en faisait un appendice au cahier précédent, ne leur attribuant aucune signature autonome. Cela peut être affirmé avec certitude,

tribuable à Théodore Scoutariote,²² se trouve dans les marges inférieures du premier folio *recto* et du dernier folio *verso* de chacun des cinquante-deux premiers cahiers.²³ Dépouvu de toute souscription,²⁴ le *Marcianus* a été l'objet de plusieurs études, qui l'ont successivement attribué à des époques de plus en plus proches de celle de Photios : si en 1802 Jacopo Morelli l'avait référé au XII^e s.,²⁵ Immanuel Bekker l'attribua en 1824 au XI^e s.²⁶ Par la suite, Edgar Martini le data de la seconde moitié du X^e s.²⁷ Cette dernière proposition, partagée par René Henry et Albert Severyns,²⁸ fut légèrement révisée par Aubrey Diller, selon qui le manuscrit aurait été copié dans la première moitié de ce même siècle.²⁹ Elpidio Mioni et Jean Irigoïn confirmèrent cette dernière hypothèse de datation.³⁰ Tous ces chercheurs attribuaient la réalisation du manuscrit à un³¹ ou deux copistes.³²

Un changement radical dans l'histoire critique du *Marcianus* a eu lieu en 1999, lorsque Guglielmo Cavallo a démontré, sur la base d'une analyse paléographique minutieuse, que ce livre est

sur la base de l'absence de toute signature ancienne sur la marge supérieure du fol. 66r (le premier de ce cahier irrégulier) : si les signatures anciennes ne sont présentes que sporadiquement sur les cahiers en raison du rognage, la maladresse du rogneur a fait que les marges supérieures des trois feuillets soient conservées intégralement. La signature ancienne, si elle avait été présente dans le fol. 66r (le premier du cahier), se serait donc sans aucun doute préservée. Le fait que le cahier en question est un binion dépouvu du premier feuillet (le feuillet final, fol. 68, est dépareillé) ne change rien, car cette structure est originnaire, vu qu'il n'y a aucune lacune textuelle entre les foll. 65 et 66. Les deux séries de signatures correspondaient donc jusqu'au 9^e cahier et ce n'est qu'à partir de celui-ci que le décalage d'une unité s'est produit. Pour plus de détails sur les aspects codicologiques du manuscrit, cf. Ronconi 2012b.

²² Sur cette identification cf. Zorzi 2004.

²³ Les cahiers 53^e-69^e en sont dépourvus.

²⁴ Il est impossible de savoir s'il en contenait une à l'origine : comme nous l'avons dit, il est mutilé à la fin et le Paris, BNF, gr. 1266, qui semble en être une copie partielle, ne reproduit pas sa partie terminale. Cf. aussi Zorzi 1998, p. 42, *apud* Acquafredda 2012, p. 11 n. 25.

²⁵ Morelli 1802, p. 315.

²⁶ Bekker 1824, p. 1.

²⁷ Martini 1911, p. 7.

²⁸ Severyns 1938, p. 15 ; Henry I, p. xxviii.

²⁹ Diller 1962, p. 389.

³⁰ Mioni-Formentin 1975, p. 37 ; Mioni 1985, p. 224 ; Irigoïn *apud* Schamp 1987, p. 27, n. 2. Cf. aussi Henry I, p. xxvii.

³¹ Martini 1911, p. 11-12. Selon Severyns 1938, p. 16-17, il s'agirait d'un individu 'amoureux du beau travail calligraphique'. Cf. aussi Henry I, p. xxix.

³² Mioni 1985, p. 224 et s. ; Mioni-Formentin 1975, p. 36 et s.

issu du travail conjoint de sept copistes, opérant vraisemblablement à Constantinople, dans la seconde moitié du IX^e s.³³ Dans le tableau qui suit, nous représentons la distribution des mains proposée par le chercheur italien :

main A	main B	main C	main D	main E	main F	main G
foll. • 1r-18r, col. I, l. 1-3 • 42r-68v • 101r- 101v col. I • 107r- 116v	foll. • 18r, col. I, l. 3-41v • 69r-100v • 101v, col. II-106v • 117r- 304r	foll. • 305r- 335v	foll. • 336r- 452r, col. I, l. 7 • 455r- 458r • 462r- 465v • 470r, col. I, ll. 24-34	foll. • 452r, col. I, l. 8-455r • 458v- 461v • 466r- 469v • 470r, col. II-477r, col. I, l. 14 • 477v- 537v	fol. • 470r, col. I, ll. 1-23	fol. • 477r, col. I, ll. 15-34 et col. II

Si, en général, nous partageons la reconstruction de Cavallo,³⁴ il nous semble que l'analyse peut être poursuivie sur deux points de vue. D'abord, nous croyons utile de proposer des comparaisons supplémentaires entre les graphies des copistes du *Marcianus* et les écritures de quelques manuscrits datés : cela afin de préciser la chronologie du codex, fixée par Cavallo sur la base de rapprochements entre les graphies du manuscrit et des écritures qui ne sont pas datées de façon objective, à une exception près.³⁵ En second lieu, nous fixerons notre attention sur les mains que le chercheur a indiquées comme B et E, pour avancer le doute qu'il puisse s'agir d'un même et seul copiste. Une telle éventualité, qui pour l'instant, comme nous le verrons, ne semble pas pouvoir se transformer en certitude, n'affecte que partiellement la reconstruction que nous proposerons.

³³ Cavallo 1999, p. 162 : '[...] il Marc. gr. 450 puo' difficilmente essere più tardo dell'ultimo decennio del secolo IX [...]'. Peu avant la parution de l'article de Cavallo, Niccolo' Zorzi, dans une dissertation inédite que nous n'avons pas pu consulter (Zorzi 1998), attribua la confection du manuscrit à six copistes, qu'il référait au début ou à la première moitié du X^e s. : cf. Zorzi 2004, p. 830 n. 5 et 832 n. 13 ; Acquafredda 2012, p. 7 n. 19 et 8 n. 20.

³⁴ Un détail mérite d'être noté : il nous semble que la main A a copié aussi le fol. 77r, col. I, ll. 1-29 (ad [γρῶμματα]).

³⁵ Cf. infra.

Cavallo a rapproché l'écriture de la main A de celle du Vat. gr. 87, attribué au IX-X^e s. On peut évoquer aussi celle du Jérusalem, Patr. gr. 24, achevé autour de l'an 900.³⁶ Outre qu'à la main du Glasgow, UL, Hunter 407 (V.3.5, an 899),³⁷ la main C peut être comparée à celle du Moskva, GIM, Sinod. gr. 145 (Vlad. 184), daté de la même année que le précédent.³⁸ Quelques-unes des caractéristiques structurelles de l'écriture D (prudemment rapprochée par Cavallo de celle du Oxford, Corpus Christi College 108, attribué au IX^e s.³⁹), se retrouvent aussi dans celle du Venezia, Bibl. Naz. Marc., gr. 540 (coll. 557, an 905), qui présente toutefois des empattements, absents dans le *Marcianus*.⁴⁰ Pour la main F, Cavallo fait référence, avec raison, à ce qu'on appelle l'écriture de la "collection philosophique".⁴¹ Des études récentes ont divisé cette 'collection' en trois sous-groupes chronologiquement déphasés. Sur cette base, il semble possible de rapprocher la main F des manuscrits les plus récents de cet ensemble, attribuables aux années soixante du IX^e s.⁴² D'ailleurs, parmi ces livres il y en a un qui pourrait avoir été réalisé sur la commande d'un membre du cercle photien.⁴³ La graphie de la main G, pour laquelle Cavallo ne propose aucune comparaison, semble légèrement plus moderne que les autres et trouve en effet des parallèles dans des manuscrits plus tardifs, comme le Venezia, Bibl. Naz. Marc., gr. 418 (coll. 312), qui a été attribué au s. X^e avancé,⁴⁴ ou – avec beaucoup de prudence – la partie du Wien, ÖNB, phil. gr. 314 souscrite en 924 par le *grammatikos* Iohannes.⁴⁵ Les écritures en question ne semblent toutefois constituer qu'un *terminus ante* pour la main G.

Mais venons-en à ce que Cavallo indique comme les mains B et E, qui sont caractérisées par une variabilité très marquée, en particulier dans l'inclinaison de l'axe, la forme et la construction

³⁶ Lake I, pll. 1-2.

³⁷ Cavallo 1999, p. 160.

³⁸ Lake VI, pll. 375-376.

³⁹ L'écriture de l'Oxoniensis est toutefois plus formelle, comme le chercheur le remarque : Cavallo 1999, p. 161.

⁴⁰ Lake II, pl. 78.

⁴¹ Cavallo 1999, p. 161.

⁴² Ronconi 2012a.

⁴³ Le Venezia, Bibl. Naz. Marc., gr. 258, qui contient un traité de Zacharie de Chalcédoine *Sur le temps* : cf. Ronconi, 2012a.

⁴⁴ Orsini 2008, I, p. 60 ; II, pl. viii.

⁴⁵ Lake V, pl. 351.

de lettres et de ligatures ainsi que dans la vision d'ensemble. Il faut noter que, dans plusieurs feuillets, les écritures attribuées à l'une et à l'autre main présentent des ressemblances frappantes. Ces ressemblances concernent les formes de la plupart des lettres (notamment *gamma*, *kappa*, *xy*, *eta*, *lambda* majuscule et minuscule, *phi*), de plusieurs liaisons et groupes de caractères (comme *epsilon* + *xy* et *tau* + *tau*), mais aussi certaines abréviations caractéristiques, comme celle pour *καί*, en forme de *S* ou de *kappa* + *S*, qui sont présentes aussi bien dans les feuillets attribués à B que dans ceux attribués à E. Compte tenu de la forte variabilité dont nous avons fait mention, nous ne saurions cependant proposer cette identification qu'avec la plus grande prudence, du moins pour l'instant. Quoi qu'il en soit, les écritures B/E semblent devoir être attribuées aux dernières décennies du IX^e s. ou au tout début du X^e s. : Cavallo remarque, avec raison, les similitudes entre E et le Vaticano, Biblioteca Apostolica Vaticana, Palat gr. 376 (IX^e/X^e s.)⁴⁶ d'un côté et, de l'autre, entre B et le Paris, BNF, gr. 1049,⁴⁷ le Napoli, BN, gr. 4*, le Genova, Bibl. del Palazzo Durazzo-Palavicini A.I.10 et le Vaticano, Biblioteca Apostolica Vaticana, Vat. gr. 2195, qui remontent tous à la fin du IX^e s.⁴⁸ En tout état de cause, le copiste B est l'une des figures-clés du *Marcianus*, dont il a transcrit, à lui seul, plus de la moitié.

Notre analyse confirme donc, en général, la reconstruction de Cavallo, sauf pour deux aspects : la possible identité des copistes B et E et la limite chronologique pour la transcription du *Marcianus*, fixée par le chercheur à la fin du IX^e s. À notre avis, il pourrait ne pas s'agir d'une limite infranchissable :⁴⁹ quelques-unes des mains du manuscrit pourraient avoir opéré aussi bien à la fin du IX^e qu'au tout début du X^e s.⁵⁰

En somme, la fourchette chronologique dans laquelle l'activité de nos copistes semble s'inscrire s'étend – compte tenu de la

⁴⁶ Cavallo 1999, p. 161.

⁴⁷ Dans les parties où l'écriture est plus cursive : Cavallo 1999, p. 160.

⁴⁸ Cavallo 1999, p. 159-160 évoque aussi, pour la main B, les annotations des feuillets initiaux du Vat. gr. 1291, auxquels peut être attribuée une date un peu postérieure à l'an 830 : l'écriture de ces annotations ne constituerait que la 'premissa più immediata' de la graphie de B.

⁴⁹ Cavallo 1999, p. 162.

⁵⁰ C'est du reste aussi l'avis de Cavallo 1999, p. 162, nonobstant ses conclusions.

prudence dont il faut faire preuve dans l'interprétation des données paléographiques – des années Cinquante/Soixante du IX^e s., au premières années du siècle suivant.

3. *Le débat récent : deux positions inconciliables*

La reconstruction de Cavallo, impliquant que le *Marcianus* remonte à l'époque de Photios, n'a pas manqué d'ouvrir un débat, dans lequel deux positions inconciliables se sont bientôt manifestées. L'une, soutenue par Luciano Canfora, propose d'identifier nos copistes aux membres mêmes du cercle du savant. Le *Marcianus* aurait donc été réalisé lorsque celui-ci était encore en vie,⁵¹ et constituerait le support sur lequel la *Bibliothèque* aurait pris forme pour la première fois.⁵² L'opération, consistant en la transcription de *σχεδάκια*,⁵³ aurait été menée après la seconde déposition de Photios (an 888) :⁵⁴ Canfora cite à ce propos François Halkin, selon qui le ch. 252 de la *Bibliothèque* présuppose l'existence d'une *Vie de Grégoire* composée en langue latine seulement en 873/875.⁵⁵ Selon Canfora, en somme, déposé et privé de ses livres, Photios aurait fait transcrire dans le *Marcianus* les notes résultant des lectures de son cercle.⁵⁶ Dans d'autres articles,⁵⁷ en soutenant que les textes profanes étaient bien lus dans le milieu de Photios pendant son patriarcat, le chercheur recourt, comme élément décisif corroborant sa thèse, au IX^e canon du VIII^e concile œcuménique (a. 869/870), parvenu dans la version latine d'Anastase le Bibliothécaire.⁵⁸

⁵¹ Canfora 1999, p. 175.

⁵² Canfora 1999, p. 175–176.

⁵³ C'est-à-dire des fiches de lecture du type de celles dont Photios parle dans le ch. 148 des *Amphilochia* : Ταῦτα μὲν ἀπὸ σχεδαρίων ὡς ἡδυνήθημεν μετεγράψαμεν, τὰ δὲ βιβλία, ὡς καὶ ἡ σὴ ἀρχιερατικὴ τελειότης συνεπίσταται, μετὰ τῶν ἄλλων ἐξ ὧν ἦν δυνατόν ζῆν ἢ αἰχμαλωσία λάφυρον ἔθετο : Ed. Westerink 1986, p. 166. Cf. Treadgold 1980, p. 16 et s. ; Micunco 2008, p. 372. Sur l'utilisation possible de *σχεδάκια* dans la composition de la *Bibliothèque* cf. déjà Canfora 1999, p. 176.

⁵⁴ Canfora 1999, p. 176–177.

⁵⁵ Halkin 1963, p. 414–417. Sur cette reconstruction de Halkin cf. infra, ainsi que Mango 1975, p. 40 ; Canfora 1995, p. 35 et n. 32 (avec bibliogr.) ; Treadgold 1980, p. 29 et ss.

⁵⁶ Canfora 1999, p. 176.

⁵⁷ Canfora 1998a et Canfora 1998b.

⁵⁸ Ed. Alberigo 1994, p. 173–174.

Variam et diversam malitiam antiquitus in ecclesia Constantinopolitana infelix operatus est Photius. Didicimus enim, quod et multo ante tyrannicum praesidium propriae manus subscriptionibus muniebat adhaerentes sibi clientes, ad discendam sapientiam, quae a Deo stulta facta est, cum manifeste nova esset inventio, et sanctis patribus nostris et magistris ecclesiae penitus aliena. Igitur quoniam omnem colligationem iniquitatis solvere, et chirographa violentorum contractuum dirumpere praecipiunt, definivit sancta et universalis synodus, neminem ex his omnibus a nunc tale tenere vel servare chirographum, sed absque quolibet offendiculo indubitanter et intrepide tam docere, quam discere omnes, qui ad utrumque consistunt idonei, praeter eos qui erroris inveniuntur et haereticae impietatis servituti redacti; huiusmodi enim certissime et docere et discernere interdiximus.

Mais la reconstruction de Canfora a soulevé des objections.⁵⁹ Selon Schamp, par exemple, une série de circonstances textuelles impliqueraient que Photios n'ait pas eu recours à la *Vie de Grégoire* composée en 873 : l'hypothèse aventureuse de François Halkin' serait donc à repousser.⁶⁰ Quant au IX^e canon du concile de 869/870, il ne serait pas digne de confiance, puisqu'hostile à Photios : ce dernier d'ailleurs 'ne pouvait ignorer qu'en montant sur le trône patriarcal, il serait surveillé par des adversaires guettant le moindre faux pas. Continuer à expliquer des auteurs païens et suspects revenait à leur tendre les armes qu'ils attendaient'.⁶¹ Schamp fait en outre mention de deux passages des *Amphilochia* où, vers la fin de sa vie, le savant regrettait ses difficultés pour trouver des scribes compétents :

⁵⁹ Cf. par exemple Treadgold 2002, p. 10, n. 35.

⁶⁰ Schamp 2011, p. 70 ; Schamp 2012, p. 6.

⁶¹ Schamp 2004, p. 554 n. 58 et Schamp 2011, p. 57. Au sujet de cette objection, il semble possible de citer Halkin 1963, p. 417 : la *Bibliothèque* ayant été 'mise en circulation par un prélat vieillissant et entouré d'ennemis, on comprend que, pour échapper aux critiques des plus béotiens parmi les zélotes, l'auteur l'ait antidatée jusqu'avant le début de sa carrière pontificale. S'il n'avait pas eu recours à cet artifice, on n'eût pas manqué de lui reprocher son excessive largeur d'esprit, vu qu'il continuait, lui, le chef de l'Église byzantine, à s'intéresser aux œuvres d'écrivains profanes ou hérétiques'. Sur ce passage cf. Dvornik 1967, p. 572-573.

Ταυτά σοι ἐκ πολλῶν ὀλίγα, καὶ τότε τοῦ γράφοντος μὴ εὐποροῦντες, ὅση δύναμις διὰ βαρβάρου καλάμου σχεδιάσαντες ἀπεστείλαμεν.⁶²

Σύντομόν σοι καὶ τῆς παρούσης γραφῆς τὴν ὑπόθεσιν φιλολόγῳ ὄντι ποιήσομαι· γράφοντος γὰρ ὑστερήσαντες, ὅσον ὁ παρῶν, καὶ τότε βαρβαρίζων, ὑπούργησεν (αἱ γὰρ ἡμέτεραι χεῖρες δεσπότην ἔχουσι τὸ νόσημα) ἐκδόντες ὅση δύναμις ἀπεστείλαμεν.⁶³

Schamp se demande donc : ‘que sont devenus les sept secrétaires bénévoles et talentueux [que Canfora identifie aux copistes du *Marcianus*] ?’.⁶⁴ En somme, l’idée que des lectures de textes profanes aient eu lieu dans le cercle photien jusqu’aux derniers jours du savant, lectures qui lui auraient permis de composer la *Bibliothèque* en réalisant le manuscrit de Venise, ‘paraît devoir être rejetée définitivement’.⁶⁵ Cet ouvrage remonterait plutôt à la période précédant immédiatement la première accession de Photios au patriarcat, laquelle eut lieu le jour de Noël de 858 :⁶⁶ commencée dans les années précédentes, la *Bibliothèque* aurait été achevée avec précipitation. Cette circonstance expliquerait, entre autres, la nature bipartite de l’ouvrage.⁶⁷

Deux reconstructions inconciliables s’affrontent donc : l’une renvoie aux années cinquante du IX^e s., à un Photios mûr, qui, en passe de monter sur le trône patriarcal, achève la *Bibliothèque* à la hâte, rompant ainsi définitivement tout rapport avec le savoir profane ; l’autre fait référence à un Photios âgé, qui, encore entouré par ses fidèles compagnons, aurait fait transcrire les notes de ses lectures (profanes aussi), qu’il aurait continuées bien après son passage à la vie ecclésiastique. La *Bibliothèque* acquiert, dans ces deux reconstructions, des valeurs historiques et psychologiques

⁶² *Quaestiones ad Amphilochium*, 322, éd. Westerink 1987, p. 132.

⁶³ *Quaestiones ad Amphilochium*, 323, éd. Westerink 1987, p. 132. Cf. aussi la fin de cette même *quaestio* : Καὶ ταῦτα μὲν σοι εἰς ὀλίγα τῶν πολλῶν ἐκείνων ζητημάτων, γράφοντος μὴ εὐποροῦντες, ὡς ἤδη ἀρχόμενοι ὑπεμνήσαμεν τὸ σὸν φίλῳθεον, ἀπεστείλαμεν (ibid., p. 135).

⁶⁴ Schamp 2004, p. 554 n. 57.

⁶⁵ Schamp 2004, p. 554 n. 57. Selon Treadgold 1980, p. 8, ‘of the text of the *Bibliotheca* itself, about 57 percent describes secular and pagan works, 43 percent Jewish and Christian ones’.

⁶⁶ Schamp 2004, p. 554 ; Schamp 2010, p. 652–653 ; Schamp 2012, p. 8.

⁶⁷ Schamp 2004, p. 553.

antithétiques : ouvrage définitif, témoignant d'une passion pour l'Antiquité s'étalant sur une vie entière selon l'une ; symbole du passage entre deux phases existentielles pour l'autre, le tournant coïncidant avec l'abandon définitif et précoce de toute lecture profane.

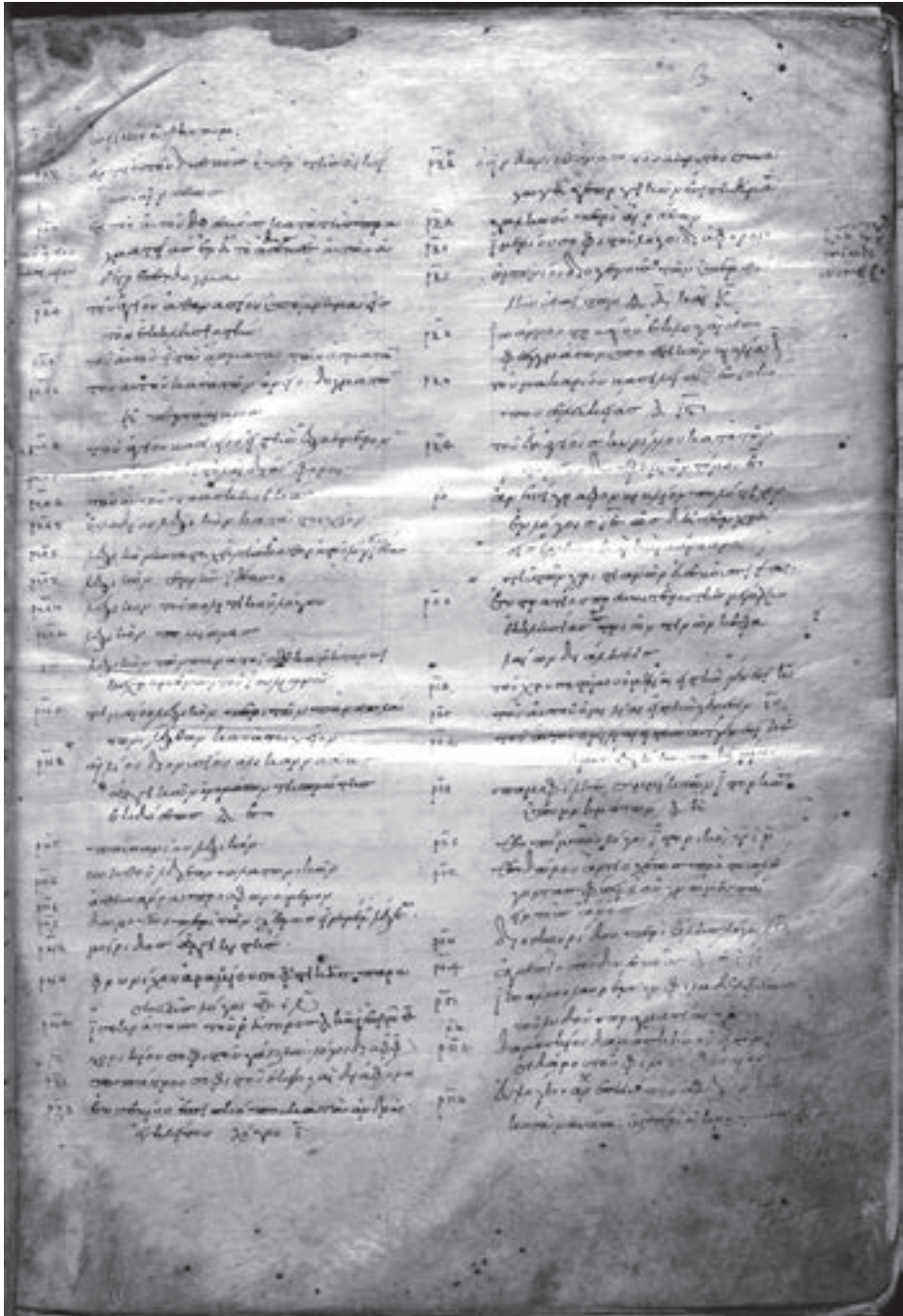
La seule étude paléographique ne peut pas donner la réponse définitive à ce dilemme. Certes, le *Marcianus* semble remonter à une période comprise entre la seconde moitié du IX^e s. et le début du X^e, si bien que, si on le considère comme le support sur lequel la *Bibliothèque* a été conçue, la rédaction de l'ouvrage ne peut qu'être attribuée à la fin de la vie de Photios. Il est aussi vrai que la modalité de travail des copistes n'est pas typique des scribes professionnels, mais plutôt d'individus liés par un intérêt spécifique au texte qu'ils transcrivent.⁶⁸ Mais ces circonstances ne suffisent pas pour affirmer que ces mains sont celles des membres du cercle photien : nos copistes pourraient avoir transcrit, pour leur plaisir ou pour quelque autre raison particulière, un texte préexistant, conçu plusieurs décennies auparavant. Dans ce cas, l'hypothèse de Schamp reprendrait vigueur.

Le seul moyen permettant de choisir entre les deux reconstructions – ou d'en proposer une nouvelle – consiste dans l'étude minutieuse de l'activité menée par les différentes mains ; étude qui doit être conduite dans le cadre d'une analyse stratigraphique du *Marcianus*, visant à répondre à quelques questions-clés : en quoi a consisté le travail de ces copistes ? Ont-ils transcrit un modèle accompli, ou ont-ils plutôt élaboré une stratégie de mise en texte originale, à partir de matériaux inachevés ? Dans ce dernier cas, y a-t-il des indices qui laissent croire que les copistes ont été inspirés, ou même guidés par l'auteur ?

⁶⁸ Leur façon de s'alterner dans la copie se caractérise par une forte asymétrie du point de vue quantitatif (A écrit au total environ 53 feuillets, B environ 251, C 30, D 121, F et G moins d'1 chacun et E – s'il ne s'agit pas encore de la main B – environ 80), alors que, dans les ateliers professionnels, les tâches sont normalement réparties selon une logique proportionnelle. Sur les critères pour distinguer les manuscrits issus d'ateliers professionnels de ceux d'autres origines, cf. Canart 1998 ; Cavallo 2001, p. 606-609 et 616-621 ; Cavallo 2003 ; Orsini 2005 ; Bianconi 2003.



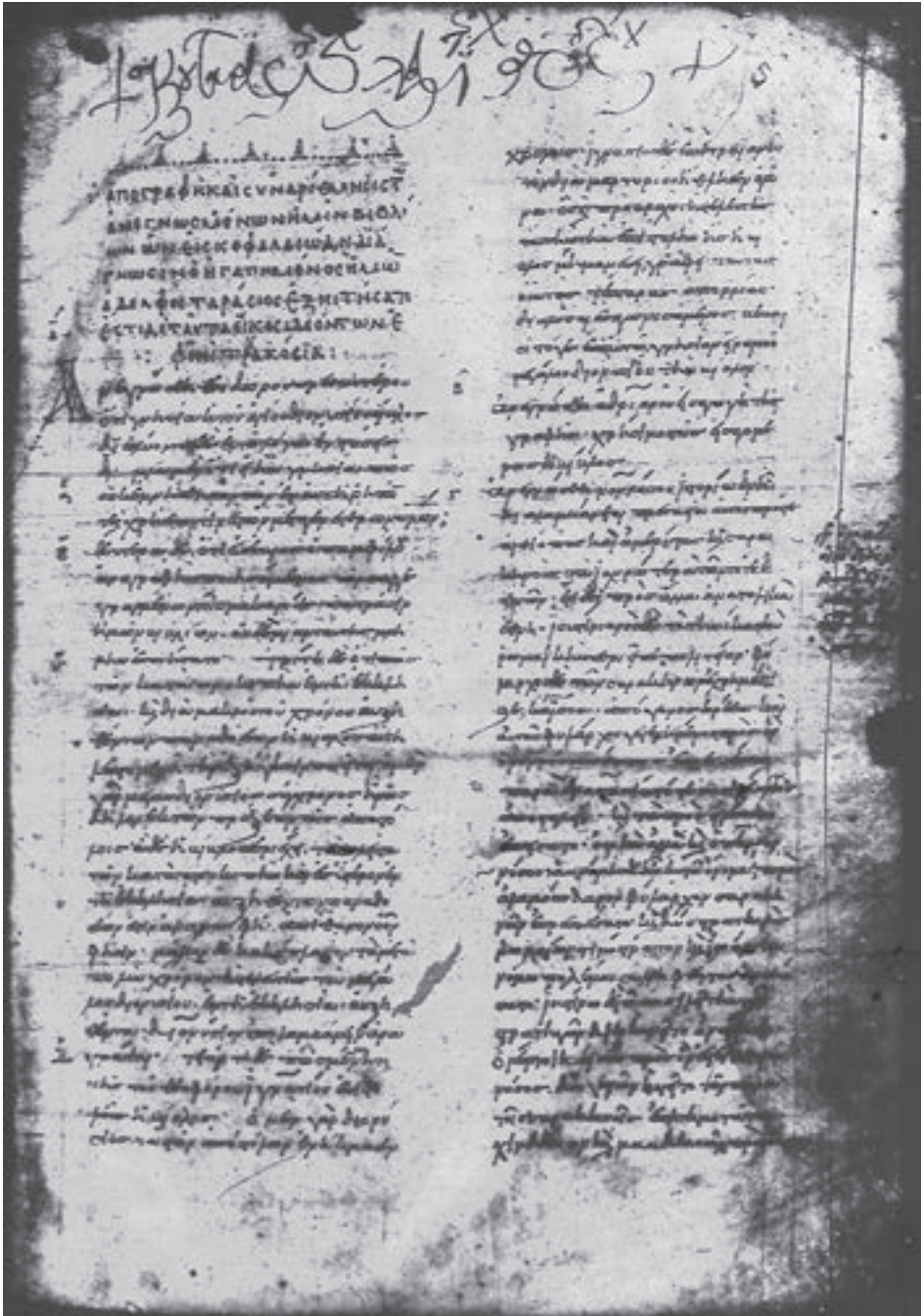
Pl. I: Marc. gr. 450, f. 304v-305r.



Pl. II: Marc. gr. 450, f. 3r.



Pl. III: Marc. gr. 450, f. 1r.

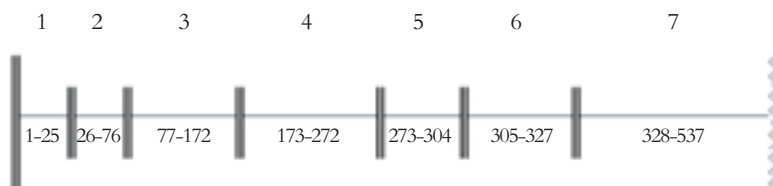


Pl. IV: Marc. gr. 450, f. 5r.

4. *L'analyse stratigraphique du Marcianus*

L'étude stratigraphique du *Marcianus* doit consister dans l'observation conjointe de ses caractéristiques matérielles (plus précisément, la structure des cahiers et la nature de leur succession), paléographiques (c'est-à-dire l'alternance des mains par rapport à la structure du livre ainsi que les phases et les modalités de la transcription) et textuelles (l'étendue des chapitres par rapport aux césures matérielles et aux changements de main).⁶⁹

L'analyse comparée de la structure matérielle du manuscrit et des césures textuelles de la *Bibliothèque* (c'est-à-dire des passages d'un chapitre à l'autre) permet de distinguer sept blocs à l'intérieur du *Marcianus*. Ceux-ci sont délimités par six jointures, soit six endroits où le changement de cahier coïncide avec un changement de chapitre.⁷⁰



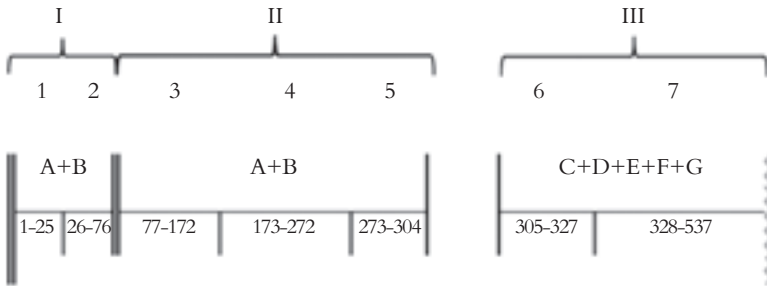
Or, dans la plupart des manuscrits méso-byzantins formés de plusieurs blocs, chacun de ces derniers est le fruit de la transcription d'un modèle indépendant.⁷¹ Le fait que le *Marcianus* est constitué de sept blocs rend donc possible qu'il soit issu de la transcription progressive de plusieurs modèles. Cela représente un premier

⁶⁹ Pour la définition de 'stratigraphie codicologique', cf. Ronconi 2007, p. 24 et, pour la méthode d'analyse qu'elle comporte, *ibid.*, p. 1-32 et 291-314 (avec bibliogr.). Pour des exemples d'utilisation de la méthode stratigraphique, cf. par exemple Valente 2008 ; Nystrom 2009 ; Bianconi 2011, p. 98 et s. ; Campos 2012.

⁷⁰ Nous utilisons le mot 'jointure' en tant que traduction de l'italien 'sno-do' : sur ce facteur codicologique et ses implications dans l'étude des manuscrits, ainsi que sur la notion de 'bloc', cf. Ronconi 2007, p. 22 et s. (avec bibliogr.). La reconstruction que nous proposons ici et dans les pages suivantes corrige celle proposée dans Ronconi 2012b, p. 254 et s.

⁷¹ Les copistes avaient la propension à reproduire les modèles unitaires dans des livres à leur tour unitaires : cf. Ronconi 2007 ; Ronconi 2010. La coïncidence réitérée entre la fin d'une unité textuelle et la fin d'un cahier a peu de chances d'être le fruit du hasard, étant plutôt, souvent, le résultat de calculs compliqués, comportant un gaspillage de temps et de parchemin : sur les implications théoriques de ces facteurs cf. RONCONI 2007, p. 25 et s.

indice, bien que faible, que l'ouvrage qu'il contient n'existait pas sous cette forme avant la création du *Marcianus* : celui-ci serait donc, dans ce cas, le manuscrit dans lequel la *Bibliothèque* se serait originellement formée.⁷² D'ailleurs, plusieurs circonstances d'ordre matériel sembleraient pouvoir transformer cette déduction hypothétique en une certitude. La première concerne la distribution des mains à l'intérieur du codex. Dans deux des six jointures que nous avons reconnues (foll. 76/77 et foll. 304/305), la coïncidence entre le changement de cahier et le changement de chapitre comporte aussi un changement de main. Ces endroits particuliers délimitent trois sections à l'intérieur du manuscrit. Les deux premières (foll. 1-76 et foll. 77-304) sont dues aux mains A et B, la troisième (foll. 305-537) aux cinq mains C, D, E (= B ?), F et G. Nous sommes donc manifestement en présence non pas d'une équipe de sept copistes,⁷³ mais de deux équipes distinctes, dont l'une est formée de deux scribes et l'autre de cinq.⁷⁴



⁷² La répartition des cahiers du *Marcianus* en sept blocs découpe la *Bibliothèque* en sept groupes de chapitres : 1) ch. 1-63 (= Bloc 1) ; 2) ch. 64-94 (= Bloc 2) ; 3) ch. 95-219 (= Bloc 3) ; 4) ch. 220-229 (= Bloc 4) ; 5) ch. 230-232 (= Bloc 5) ; 6) ch. 233-239 (= Bloc 6) ; 7) ch. 240-fin (= Bloc 7). La nature des modèles éventuels reste pour l'instant mystérieuse : s'agissait-il de petits manuscrits ou plutôt de dossiers (cf. à ce propos, Micunco 2008, p. 373 et s.) ? Une réponse pourra venir de l'analyse des contenus des différents blocs, analyse destinée à vérifier si les chapitres de chaque bloc constituent ou non des ensembles cohérents du point de vue des contenus : une tâche à laquelle nous espérons nous consacrer dans des études ultérieures. Cf. aussi Canfora 1995, p. 43.

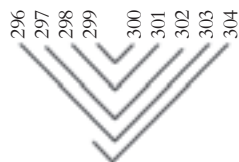
⁷³ Ou six, si les écritures B et E sont dues à une seule main.

⁷⁴ Dans ce cas aussi il faut tenir compte de la possible identification des mains B et E (cf. supra) : il s'agirait donc de deux équipes distinctes ayant en commun un copiste (B/E). La chute de deux cahiers à la fin du manuscrit ne permet pas d'exclure l'éventualité que la main A puisse y avoir été présente. Il s'agit toutefois d'une hypothèse improbable à la lumière de la structure du livre.

Cette circonstance fondamentale permet, entre autres, de donner une réponse définitive à l'une des deux questions que nous avons évoquées au début de cet article : celle de la bipartition de la *Bibliothèque*.

4.1. L'analyse stratigraphique et la bipartition de la *Bibliothèque*

Le passage d'une équipe de copistes à l'autre (foll. 304/305) coïncide avec le passage du ch. 233 au ch. 234, c'est-à-dire justement avec la coupure, détectée par les chercheurs sur la base de l'analyse des contenus, entre la première et la seconde partie de la *Bibliothèque*. Mais il y a plus. Le chapitre 233 s'achève sur le 39^e cahier (le dernier de la première section du *Marcianus*), qui est l'un des rares cahiers irréguliers du manuscrit. Voici une représentation schématique de sa structure :



Cette irrégularité permet de comprendre la dynamique de constitution de cette partie du manuscrit. Arrivé au fol. 303 (qui était le dernier d'un quaternion régulier : foll. 296-303), le copiste B s'aperçut qu'il lui faudrait encore quelques colonnes pour accomplir la transcription du ch. 233. À cette fin, au lieu de continuer sur un nouveau cahier, il ajouta un feuillet dépareillé au quaternion qu'il venait de remplir. Cela implique que B considérait le ch. 233 comme le dernier de l'ouvrage. S'il avait prévu la transcription de quelques chapitres ultérieurs, il l'aurait achevé sur le premier feuillet d'un nouveau cahier, afin que la transcription pût se poursuivre dans les feuillets suivants : il opère de cette façon dans plusieurs autres endroits du *Marcianus*.

Il est donc possible d'affirmer que, dans une première phase, le ch. 233 était censé être le dernier de la *Bibliothèque*. De plus, sa transcription s'achève sur le *recto* du fol. 304, cinq lignes avant la fin de la seconde colonne. Ces cinq lignes et le *verso* du feuillet ont été laissés vides : la transcription du ch. 234 n'a été entamée,

par le copiste C, que sur le fol. 305r, le premier du 40^e cahier (pl. I). Le fait que C n'a pas commencé à copier tout de suite après la fin du ch. 233, mais sur un nouveau cahier, implique que les deux équipes ont travaillé d'une façon (semi-)indépendante. Nous reviendrons sur cet aspect.

Pour conclure sur ce point, il est possible d'affirmer que la coïncidence, dans le *Marcianus*, entre une césure codicologique, une césure paléographique et la jointure entre les deux parties de la *Bibliothèque* indique que le manuscrit est le support où l'ouvrage s'est matérialisé pour la première fois. Plusieurs éléments de natures différentes le confirment.

4.2. Le *Marcianus* comme *work in progress* : le *pinax* et les *agrapha*

Dans un travail récent,⁷⁵ après avoir démontré que le *Marcianus* n'est pas le fruit d'une transcription linéaire et progressive, mais plutôt d'une opération complexe et multidirectionnelle, nous avons essayé de reconstruire les étapes d'un tel processus. À cette fin, nous avons pris en considération deux facteurs : le *pinax* et les nombreux espaces qui, tout au long du manuscrit, ont été laissés blancs par les copistes.⁷⁶ Après un bref résumé des conclusions auxquelles nous sommes parvenus dans ledit article, nous proposerons de nouvelles observations, qui permettent d'avancer encore dans notre enquête.

Le *pinax* de la *Bibliothèque* qui se trouve dans le *Marcianus* n'est pas issu de la transcription d'un modèle, mais constitue le point d'arrivée d'une opération conduite pour la première fois dans ce manuscrit. À l'appui de cette assertion, on peut faire référence aux chiffres que la main A y a écrits, en regard des titres des chapitres. En effet, plusieurs de ces chiffres remontent à une phase d'écriture postérieure à celle des titres et ont été corrigés par A. En outre, les titres eux-mêmes ont été corrigés, dans quelques cas, toujours par A, qui en a récrit quelques-uns sur rature, en insérant d'autres *a posteriori*, dans des espaces laissés préalablement blancs. Ces perturbations du *pinax* correspondent toujours à des

⁷⁵ Ronconi 2012b.

⁷⁶ Pour le *pinax* (absent dans l'édition d'Henry), cf. Acquafredda 2012.

endroits problématiques du *Marcianus*, caractérisés par des irrégularités fasciculaires, par des *agrapha* ou par des incertitudes dans l'indication des chiffres des chapitres. Dans notre publication précédente, nous nous sommes concentrés sur seulement deux de ces cas, celui des ch. 215-220 et celui des ch. 233-236, détectant, dans l'un comme dans l'autre, une interaction dynamique entre la réalisation des entrées du *pinax* et la transcription de la section correspondante du manuscrit. Nous avons, en outre, démontré l'existence d'un *hiatus* entre la transcription de la première partie du *pinax* (qui parvient jusqu'au ch. 233) et la seconde, qui va du ch. 234 à la fin de la *Bibliothèque*. La dynamique de réalisation du *pinax* reflète donc, tout comme la structure du *Marcianus*, la bipartition de l'ouvrage.

À ces observations, il est possible d'en ajouter d'autres inédites. D'abord, on peut remarquer que les perturbations du *pinax* (ratures, titres et chiffres insérés *a posteriori*) se concentrent dans la partie relative aux ch. 1-233 : la seconde section en est en revanche presque totalement dépourvue. En outre, ce n'est que dans la première partie du *pinax* que la main A semble avoir créé une sorte de grille préparatoire, visant à mieux distribuer les lignes destinées à contenir les titres. À cette fin, elle a apposé préalablement des chiffres-guides sur les foll. 1v-4r, en vue d'arranger *a priori* l'espace disponible : en effet, quelques chiffres de la première section du *pinax* (généralement ceux qui correspondent aux dizaines) présentent une encre plus claire que les autres et un module plus petit. Ces différences concernent par exemple les chiffres ν', ξ', ο', π', ρ', ρ', ρλ', ρπ',⁷⁷ qui se distinguent des autres aussi par leur position légèrement décalée. En marquant ces chiffres-guides, le copiste A a, en somme, planifié une opération qui s'annonçait complexe. Nonobstant ses efforts, des décalages se produisirent toutefois entre l'espace réservé et l'étendue réelle des titres : au fol. 3r, par exemple, l'un des chiffres écrits à l'encre plus claire (ρπ') a été exponctué, puisqu'il se trouve manifestement en dehors de sa place par rapport à la numérotation définitive (pl. II). Mais cette pré-organisation de l'espace ne semble avoir concerné que la première partie du *pinax* : les chiffres de la

⁷⁷ Cela ne peut pas être affirmé avec certitude pour les quarante premiers titres, en raison de la condition des feuillets où ils se trouvent.

seconde partie (ch. 234-fin) ont été écrits en même temps que les titres, comme nous l'avons dit, sans ratures ni corrections.

Si la rédaction des deux parties du *pinax* reflète la réalisation des deux sections du *Marcianus*, ces dernières doivent, elles aussi, être issues de deux activités différentes. En effet, la première section du codex (foll. 5-304) est le résultat d'une opération de montage laborieux : elle présente plusieurs corrections, révisions et ajouts de chapitres. Le processus qui a donné naissance à la seconde partie du manuscrit (foll. 305-537) est, en revanche, linéaire, comme celui dont résulte la section correspondante du *pinax*.

L'ensemble de ces constatations permet de proposer une reconstruction complexe concernant la réalisation du *Marcianus* et la rédaction de son index. Dans une première phase, A pré-organisa l'espace destiné à contenir les titres des ch. 1-233, écrivant des chiffres-guides sur les foll. 1v-4r. Il passa par la suite à la transcription du premier chapitre de la *Bibliothèque* sur le premier *recto* suivant (fol. 5r).⁷⁸ À partir de ce moment, la réalisation de la première section du manuscrit, qui ne fut pas simple du tout, progressa parallèlement à la rédaction de la première partie de l'index, elle aussi laborieuse. Ce travail donna naissance à un livre potentiellement autonome, correspondant aux foll. 1-304 du *Marcianus* et ne renfermant que la première partie du *pinax* et les ch. 1-233 de la *Bibliothèque*. Dans une phase postérieure fut transcrite, par une autre équipe de copistes, la seconde section du manuscrit, contenant les ch. 234-fin. La main A ne fut toutefois pas étrangère à cette opération : elle mit en effet à jour le *pinax*, en écrivant les titres des chapitres ajoutés. Pourvus d'une numérotation progressive qui continuait celle des précédents, ces titres furent écrits dans l'espace qui était demeuré vide au moment de la rédaction de la première partie de l'index, c'est-à-dire dans ce qui restait du fol. 4r et dans le fol. 4v. Qu'ils soient le fruit d'un remplissage, c'est la densité de l'écriture qui le confirme, plus marquée dans cette seconde section du *pinax* que dans la précédente. Les titres dépassent en outre systématiquement les

⁷⁸ Entamant la transcription du premier chapitre sur le fol. 5r, A n'a fait que suivre la coutume des copistes de son époque, évitant d'entreprendre la copie d'un ouvrage sur le *verso* d'un feuillet (dans le cas spécifique, le fol. 4v).

lignes qui délimitent les colonnes : un phénomène très rare dans la première partie de l'index.

Venons-en aux *agrapha*.⁷⁹ Disons d'abord que ces espaces blancs se trouvent généralement au passage entre deux chapitres : si quelques-uns d'entre eux coïncident avec une jointure, et parfois même avec un changement de main, ils se placent normalement au beau milieu d'une section écrite par un même copiste (dans la plupart des cas, le copiste B), sans aucune coïncidence avec une coupure codicologique ou paléographique. Quelle est leur raison d'être ? Il est possible d'affirmer qu'ils étaient destinés à être remplis diachroniquement : les copistes (et notamment B) avaient prévu de revenir sur ces espaces spécifiques, afin d'enrichir le contenu des chapitres contigus grâce à l'addition de phrases ou de brefs paragraphes. Cela est confirmé par une circonstance objective : dans la partie terminale de quelques chapitres se trouvent des lignes ou des paragraphes écrits en utilisant une encre différente de celle des lignes qui précèdent. Un cas des plus remarquables est celui du fol. 114v, où la première partie du ch. 175, écrite par la main A à l'encre marron, se termine en plein milieu de la l. 4 de la colonne I (*ad καί*). La même main a repris la transcription sur la même ligne (*α τῇ τῶν παραδειγμάτων*), en se servant d'une encre noire et en employant une écriture plus rapide, jusqu'à la l. 31 de la première colonne du fol. 115r. Les trois dernières lignes de cette colonne sont vides. Le chapitre suivant (ch. 176), qui s'ouvre sur la seconde colonne du même feuillet, est également écrit par A, mais à l'encre marron et d'une graphie moins cursive : l'encre et la graphie mêmes caractérisant la première partie du chapitre précédent. Il est donc évident qu'après avoir transcrit la première partie du ch. 175, la main A laissa un espace vide (coïncidant avec une bonne partie de la colonne I du fol. 114v, la colonne II du même feuillet et la colonne I du fol. 115r) et passa à la transcription du ch. 176 sur

⁷⁹ Nous ne considérons que les *agrapha* qui ont été laissés par les copistes sans une cause d'ordre matérielle. Nous excluons donc de notre analyse les blancs dus à un défaut du parchemin ou à d'autres causes mécaniques. Un phénomène de ce type (le seul dont les chercheurs se sont occupés : cf. Henry I, p. xxix s'inspirant probablement de Severyns 1938, p. 16 : '[le copiste] évite de commencer un chapitre à la fin d'un cahier et il laisse de grands blancs là où le parchemin présente quelque défaut') se produit par exemple aux foll. 49r, 94r, 179r, 180v, 181v, 211r, 396r, 397v.

la seconde colonne du fol. 115r. Ce ne fut que dans une phase ultérieure qu'elle revint sur cet *agraphon*, avec une encre différente et une écriture plus cursive que d'habitude. Le rajout ne remplit toutefois pas parfaitement le vide : un petit décalage se produisit ainsi, et les trois dernières lignes de la colonne I du fol. 115r restèrent blanches. Il est possible de détecter plusieurs cas semblables dans le *Marcianus*.⁸⁰ D'ailleurs, plusieurs phénomènes d'autre nature confirment le fait qu'une bonne partie de ces *agrapha* étaient destinés à des opérations de remplissage. Le cas du fol. 91v est instructif de ce point de vue. La main B y a transcrit le ch. 123, qui est très bref :

ογκ' ἀνεγνώσθη τοῦ αὐτοῦ [Épiphanes de Salamine] ὁ
 Ἀγκύρωτος, σύνοψις ὥσπερ τῶν Παναρίων ὑπάρχουσα.⁸¹

Tout de suite après, dans la dernière ligne de la colonne I, le même copiste n'écrit, en regard du chiffre ϥδ' (= 124), que le mot ἀνεγνώσθη,⁸² laissant vides les trois premières lignes de la colonne suivante : il n'entame en effet la transcription du ch. 125, qu'à la ligne 4 de la col. II. Évidemment, B comptait revenir sur cet endroit du manuscrit, comme A l'aurait fait aux foll. 114–115, ajoutant le contenu du ch. 124. Certes, l'espace vide qu'il a laissé à cette fin est très réduit (rien que trois lignes !), mais après tout il correspond à l'étendue du chapitre précédent.⁸³

Les *agrapha* du *Marcianus* constituent donc des traces précieuses, permettant de déceler des dynamiques de rédaction complexes pour plusieurs chapitres de la *Bibliothèque*. Il est important de noter que leur distribution dans le *Marcianus* est très irrégulière : si dans la première partie du manuscrit (foll. 5r–304r) on en compte environ dix-huit, ils ne sont que quatre dans la seconde (foll.

⁸⁰ Par exemple aux foll. 46 et 68/69.

⁸¹ 'Lu du même *La Foi bien ancrée*, qui est une manière de résumé des *Huches*' : cf. Henry II, p. 97.

⁸² Une main plus récente, probablement identifiable avec celle de Théodore Scoutariote (= A³), a ajouté τοῦ αὐτοῦ.

⁸³ La main A, rédigeant au fol. 2v l'entrée correspondante du *pinax*, n'écrit, à côté du chiffre ϥδ', que les mots τοῦ αὐτοῦ : il était donc prévu, dans le projet initial, que le chapitre manquant contînt le compte-rendu d'un ouvrage d'Épiphanes de Salamine, qui est l'auteur du texte dont il est question dans le chapitre précédent (ch. 123).

305r-537v) ; encore un indice permettant de penser que les deux sections du codex sont issues d'opérations très diverses.

5. Conclusions : vers une nouvelle hypothèse

À la suite de cette enquête, il nous semble possible de proposer deux ordres de considérations. L'un regarde le processus de réalisation du *Marcianus* ainsi que les dynamiques de rédaction de la *Bibliothèque*. L'autre porte sur l'époque de composition de la *Bibliothèque* et sur la nature de l'épître à Taraise.

5.1. Les deux sections du *Marcianus* et les deux parties de la *Bibliothèque*

Le *Marcianus* n'est pas issu d'un processus de transcription linéaire, consistant dans la reproduction d'un manuscrit unitaire, ou encore dans la copie séquentielle de plusieurs modèles. Il est plutôt le résultat d'un travail complexe, qu'il est possible de reconstruire, du moins en partie, grâce à l'analyse de sa structure et des interactions entre les mains qui l'ont transcrit. Ces mains se distribuent en deux équipes qui ont opéré de façons très différentes : cette distinction se reflète dans le *pinax*.

La correspondance entre la bipartition de la *Bibliothèque*, reconnue par les chercheurs sur la base d'études textuelles, et la bipartition matérielle et paléographique du *Marcianus* constitue en elle-même une circonstance fondamentale : elle implique en effet que la genèse de l'ouvrage coïncide avec la réalisation du manuscrit. Plusieurs circonstances le confirment. Tout d'abord les différences entre la façon d'opérer des copistes A-B et celle de C, D, E (= B ?), F et G. Les premiers se sont consacrés à un effort de transcription de textes qui parfois n'avaient pas encore trouvé leur forme définitive : c'est pourquoi ils ont apprêté des *agrapha*, destinés à être remplis par la suite. Les cinq mains qui s'alternent dans la réalisation de la seconde partie du *Marcianus* ne semblent pas avoir accompli une opération aussi complexe : l'absence presque totale, dans cette section, de 'cicatrices' codicologiques (telles que jointures, *agrapha*, remplissages) semble renvoyer à un travail beaucoup plus linéaire et simple que celui accompli par A et B. À ces circonstances d'ordre matériel s'ajoute une de nature

textuelle : ce n'est qu'au cours de la première section de la *Bibliothèque* que Taraise est évoqué dans plusieurs chapitres.⁸⁴ Dans la seconde, cela ne se produit, si nous ne nous trompons pas, que dans ce qu'on appelle l'épilogue, c'est-à-dire la fin du dernier chapitre, sur lequel nous reviendrons. L'étude du *pinax*, lui aussi biparti, confirme les différences structurelles dont nous venons de parler : la rédaction de sa seconde partie, correspondant parfaitement à la seconde section du manuscrit, ne semble avoir posé aucun problème à la main A, qui en revanche a beaucoup peiné dans la rédaction de la première section du document.

Les deux équipes de copistes étaient conscientes de l'indépendance et en même temps de l'interdépendance de leurs travaux : les signatures fasciculaires que les membres de la seconde équipe ont apposées sur leurs cahiers tiennent compte de celles de la première partie du livre.⁸⁵ Ils se posèrent donc en continuateurs de l'opération menée par A et B. En outre, la main A a complété le *pinax* en tenant compte de la seconde partie du manuscrit. Ces deux groupes de copistes ont donc travaillé avec des méthodes différentes et à des moments distincts, mais dans une optique commune (il se peut d'ailleurs qu'ils aient partagé un copiste, B/E).

La bipartition de la *Bibliothèque* trouve donc, grâce à l'analyse matérielle du *Marcianus*, non seulement une confirmation définitive, mais aussi une explication : les deux parties de l'ouvrage ont leur source dans deux opérations distinctes, accomplies par deux différentes équipes de copistes. Mais ce n'est que dans l'activité laborieuse de la première équipe qu'on peut reconnaître une véritable opération intellectuelle qui, à partir de notes en partie inachevées, est parvenue à réaliser un texte cohérent, fruit d'une élaboration formelle avancée : un travail qu'on n'aurait probablement pas pu mener en l'absence de l'auteur.⁸⁶ Ce n'est pas le cas pour la seconde moitié de l'ouvrage.

⁸⁴ Il s'agit des chapitres 161, 165, 187, 191, 222, 223, 225, 229, 230 : cf. Treadgold 1980, p. 40 et nn. 7-10 ; Treadgold 1981, p. 124 et n. 5.

⁸⁵ L'analyse paléographique et chromatique des signatures originales qui ont été épargnées par le rognage démontre qu'elles ont été apposées toujours par les copistes qui ont transcrit les feuillets où elles se trouvent, au fur et à mesure de la transcription du texte.

⁸⁶ Nombre de chapitres de la première section ont été retouchés, par les mêmes mains, au moyen parfois de longs ajouts marginaux, dont plusieurs ne

5.2. Le *Marcianus* et la date de composition de la *Bibliothèque*

Si le *Marcianus* est, comme nous croyons l'avoir démontré, le support sur lequel la *Bibliothèque* a pris forme pour la première fois, le moment de sa réalisation matérielle coïncide avec celui où l'ouvrage a été conçu. Nous sommes là en présence de l'un des cas où le processus de composition de l'œuvre littéraire est préservé grâce à la conservation du support matériel sur lequel il a été conduit. Mais est-il possible d'établir, sur la base de notre enquête, la phase de la vie de Photios où cette opération a été accomplie ? Les reconstructions qui évoquent la jeunesse de Photios ne sont pas compatibles avec les données paléographiques, qui, comme nous l'avons dit, signalent plutôt une opération s'étalant sur une période comprise entre les années Cinquante/Soixante du IX^e s. et le tout début du X^e. Certes, ce type de données paléographiques doit être manié avec prudence. Mais il semble vraisemblable que la *Bibliothèque* soit le résultat d'un travail commencé vers l'automne de la vie du savant, plus précisément lors de son premier patriarcat, et qui pourrait ne pas s'être interrompu à sa mort.⁸⁷ En effet, plusieurs indices dont nous parlerons dans des publications ultérieures nous poussent à croire que la réalisation du *Marcianus* (ou du moins de la seconde partie de celui-ci) a été mise en chantier vers la fin du premier patriarcat, lorsque l'urgence de systématiser les notes éparpillées d'une vie de lecture se fit pressante : les caractéristiques matérielles du manuscrit encouragent une telle hypothèse, car presque toutes les mains impliquées dans sa réalisation ont employé des écritures rapides, pas du tout calligraphiques : en outre, la qualité du parchemin est généralement modeste. Avec la transcription du ch. 233, une première phase du travail (et probablement une première version de la *Bibliothèque*) était terminée, mais un événement imposa de le rouvrir et d'ajouter la seconde partie de l'ouvrage. Dans cette phase, il ne s'agissait plus de sélectionner et de réélaborer des

constituent pas de simples remplissages de sauts du même au même. Sur cet aspect, et plus généralement sur les nombreuses annotations marginales du *Marcianus*, nous comptons revenir dans des travaux ultérieurs.

⁸⁷ Dans cette direction allait déjà une intuition de Mango 1975, p. 43, que le chercheur ne semble toutefois pas avoir développée. Cf. aussi Canfora 1995, p. 36, qui reconnaît à Mango l'idée de 'implicazioni di pubblicazione postuma, che meritano attenzione'.

matériaux, mais probablement de les sauver. En outre, la seconde section de la *Bibliothèque* ne semble pas avoir impliqué nécessairement la révision de Photios.⁸⁸

Mais comment concilier cette reconstruction avec la lettre à Taraise ? Comme nous l'avons dit, les chercheurs ont généralement avancé deux hypothèses au sujet de ce document : il s'agirait, selon l'une, d'une missive réelle et, selon l'autre, d'une fiction littéraire. Dans un cas comme dans l'autre, on l'a attribuée à Photios lui-même, en admettant, au plus, la possibilité qu'elle ait été partiellement remaniée.⁸⁹

5.3. Une 'nouvelle' hypothèse

Les chercheurs s'accordent généralement pour noter les nombreuses inconsistances de la lettre,⁹⁰ parmi lesquelles l'indication du nombre de βιβλία recensés dans l'ouvrage. On y lit :

ταῦτα δὲ ἐστὶ πεντεκαδεκάτῳ μέρει τῶν τριακοσίων ἐφ' ἐνὶ καὶ
οὐ πλέον ἀπολείποντα, τοσαῦτα γάρ, οἶμαι, τῆς σῆς οὐ τυχόντα
παρουσίας ἀναγνωσθῆναι συνέπεσεν.⁹¹

L'ouvrage recenserait donc deux cent soixante-dix-neuf βιβλία. Or, dans la *Bibliothèque*, le terme βιβλίον est employé dans plusieurs acceptions : il peut vouloir dire 'livre physique', 'partie d'un ouvrage', 'ouvrage entier' (cette dernière acception est la plus fréquente⁹²). Mais, comme il a été remarqué,⁹³ le chiffre deux cent soixante-dix-neuf ne correspond ni au nombre des livres que Photios a eus entre ses mains, ni à celui des ouvrages recensés, qui

⁸⁸ Treadgold 1980, p. 14 et p. 113 ; Treadgold 1981, p. 124. *Contra* Severyns 1938, p. 6, qui attribue au savant l'intégralité de l'ouvrage.

⁸⁹ Cf., à ce propos, Canfora 1995, p. 33 n. 28 (avec bibliogr.). Selon Treadgold 1981, p. 124, 'the *Bibliotheca* is not only composed in the form of a gigantic letter ; it really is one' (cf. aussi Treadgold 1980, p. 16, 20 et Treadgold 2002, p. 9).

⁹⁰ A l'exception de Treadgold 1980, p. 19 et ss. : cf. infra. Sur l'originalité de la lettre à Taraise et de la 'postface' cf. Schamp 2012, p. 5.

⁹¹ 'Il s'en faut d'un quinzième plus un, et pas d'avantage, qu'ils soient trois cent ; tel est, en effet, je crois, le nombre de ceux qu'il m'est arrivé de lire alors que j'étais privé de ta présence' : cf. Henry I, p. 1. Sur les formules employées dans la *Bibliothèque* pour indiquer le nombre d'ouvrages recensés (formules qui ont fait couler beaucoup d'encre) nous comptons revenir.

⁹² Ochoa 1991, p. 121 et ss.

⁹³ Cf. Canfora 1995, p. 33 n. 28.

sont au total trois cent quatre-vingt-six :⁹⁴ ce chiffre correspond au nombre des chapitres qui composent l'ouvrage. En somme, le mot βιβλίον est employé, dans la lettre à Taraise, dans une acception qui ne semble pas celle dans laquelle Photios l'utilisait.⁹⁵ Il a été proposé de voir dans cette indication une interpolation, due à des rédacteurs postérieurs.⁹⁶ Mais la datation correcte du *Marcianus* et le fait qu'il constitue la première mise en forme de la *Bibliothèque* rendent cette hypothèse irrecevable dans sa formulation originaire.

Un détail d'ordre codicologique s'avère intéressant dans ce contexte : la lettre rentre parfaitement, au mot près, dans le fol. 1r du *Marcianus* (pl. III). Comme il est improbable qu'une telle coïncidence soit due au hasard, il pourrait s'agir d'un texte conçu *ad hoc* ou lourdement remanié, afin de remplir un espace originairement vide : la pratique de laisser blanc le premier feuillet *recto* des manuscrits, le feuillet de garde, est d'ailleurs répandue à l'époque byzantine moyenne. Mais, dans ce cas, est-il vraisemblable que Photios se soit soucié, au moment de composer la lettre, de calculer les caractères dont il pouvait disposer ? Ou serait-ce plutôt un copiste-rédacteur (probablement A⁹⁷) qui, au moment de la transcrire, la remania en l'adaptant à l'espace à disposition et y ajoutant l'indication du nombre de βιβλία ? Et quelle serait, dans ce cas, la limite entre la paternité photienne et le remaniement du rédacteur ? Dans cette perspective, une autre circonstance mérite d'être évoquée. Les chercheurs ont remarqué des coïncidences, parfois à la lettre, entre des sections de l'épître et des chapitres de la *Bibliothèque*.⁹⁸ Cela ne pourrait-il constituer un indice de la nature artificielle de certaines parties de la missive ? De plus, l'auteur de la lettre parle d'un secrétaire qui l'aurait aidé dans la rédaction de la *Bibliothèque* :

⁹⁴ Cf. Treadgold 1980, p. 5 ; Canfora 1995, p. 33 n. 28 et p. 61 n. 76. Il faut en outre noter que plusieurs chapitres concernent des manuscrits *miscellanei*, c'est-à-dire des βιβλία contenant plusieurs œuvres (cf. Ronconi 2004, p. 145-146, 179-180).

⁹⁵ La question du rapport entre chapitres, βιβλία et ouvrages mérite des études ultérieures.

⁹⁶ Mango 1975, p. 43 ; Canfora 1995, p. 61 n. 76.

⁹⁷ Les caractères de la lettre ont été repassés, si bien qu'il est difficile d'établir quelle main l'a écrite dans le *Marcianus*. Cf., à ce propos, supra.

⁹⁸ Cf. par exemple Treadgold 1977, p. 344 et 346 et s. ; Canfora 1995, p. 36.

ὁψὲ μὲν ἴσως τοῦ σοῦ διαπύρου πόθου καὶ τῆς θερμῆς αἰτήσεως,
θᾶπτον δὲ ἢ ὅσα ἂν τις ἄλλος ἐλπίσαιε, τυχόντες ὑπογραφέως,
ὅσας αὐτῶν ἡ μνήμη διέσωζε, τὸν σὸν ὥσπερ ἀφοσιούμενοι πό-
θον καὶ τὴν ἀξίωσιν ἐκδεδῶκαμεν.⁹⁹

Mais dans le *Marcianus* les mains à l'œuvre sont nombreuses. Il y a donc une incohérence entre l'indication de la missive et la structure paléographique du manuscrit dans lequel la *Bibliothèque* a été conçue.

L'indication concernant le nombre de βιβλία recensés dans la *Bibliothèque* se trouve dans deux autres endroits du *Marcianus*. L'un est constitué par le titre général, au début de la première colonne du fol. 5r (pl. IV) :

Ἀπογραφή καὶ συναρίθμησις τῶν ἀνεγνωσμένων ἡμῖν βιβλίων
ὧν εἰς κεφαλαιώδη διάγνωσιν ὁ ἡγαπημένος ἡμῶν ἀδελφὸς
Ταράσιος ἐξηγήσατο. Ἔστι δὲ ταῦτα εἴκοσι δεόντων ἐφ' ἐνὶ
τριακόσια.¹⁰⁰

L'autre endroit est le dernier chapitre de la *Bibliothèque*,¹⁰¹ qui contient aussi une sorte d'épilogue, comportant entre autres une autre apostrophe à Taraise (dont le nom n'est toutefois pas explicitement mentionné¹⁰²). Nous citons le début et la fin du chapitre :

Ἀνεγνώσθη Εὐλογίου ἀρχιεπισκόπου Ἀλεξανδρείας σύνταγμα
εἰς λόγους ἀπαρτιζόμενον ἕξ. Ῥητῶν δὲ γραφικῶν διάνοιαν

⁹⁹ 'Trop tard peut-être au gré de ton très vif désir et de ta demande instante, mais plus vite que quiconque d'autre ne l'aurait espéré, j'ai trouvé un secrétaire et nous avons mis au jour tout ce que ma mémoire conservait de ces livres pour nous acquitter, comme on le fait d'un pieux devoir, vis-à-vis de ton désir et de ta requête' : cf. Henry, I, p. 1.

¹⁰⁰ 'Inventaire et énumération des livres que nous avons lus et dont notre bien-aimé frère Tarasius nous a demandé d'avoir une idée sommaire. Ils sont, à vingt et un près, trois cents' : cf. Henry, I, p. 1. L'analyse autoptique du titre du fol. 5r soulève le soupçon que les deux dernières lignes (correspondant justement à l'indication de la quantité des βιβλία, c'est-à-dire Ἔστι δὲ ταῦτα εἴκοσι δεόντων ἐφ' ἐνὶ τριακόσια) puissent être le fruit d'un ajout diachronique dû à la même main A. Sur ce détail nous comptons revenir dans de prochaines publications.

¹⁰¹ Sur ce chapitre cf. Schamp 2010, p. 664.

¹⁰² D'autres apostrophes à un lecteur (dont le nom n'est toutefois jamais mentionné, mais qui est parfois qualifié d'ἀδελφός) se trouvent dans plusieurs chapitres de la première partie de la *Bibliothèque* (Treadgold 1980, p. 19 et s., p. 40).

ἀναπτύσσει, οἷς συναπαρτίζεσθαι σοι φίλτατε ἀδελφῶν, ἴσθι καὶ τὴν ποθουμένην ἐξαίτησιν. [...]
 Ἄ μὲν οὖν φιλολογουμένοις ἡμῖν καθ' ἑαυτοὺς εἰς ἀνάμνησιν ἔλθειν συνηνέχθη, χωρὶς ὧν ἡ σπουδὴ καὶ μελέτῃ τέχνας φιλεῖ καὶ ἐπιστήμας ἐργάζεσθαι, ἀφ' οὗπερ τις αἰσθησὶς ἡμῖν ἀμυγέπη καὶ κρείσις λόγων ἐνεφύη μέχρι τῆς παρούσης τῶν ἀνεγνωσμένων ὡς ἐν τύπῳ συνεκδόσεως, εἰς τοσοῦτον, οἶμαι, συνάγεται πλῆθος, τριακκοσιοστῶ καὶ πεντεκαίδεκάτῳ μέρει προελθεῖν ἄχρὶ τῶν τριακκοσίων κωλυόμενον. Σὺ δ' ὦ τῶν ἐμοὶ κεκοινωνηκότων μητρικῶν ὠδίνων ἐρασμώτατε, εἰ μὲν ταύτην τὴν προσειάν διανοοῦντα τὸ κοινὸν καὶ ἀνθρώπινον καταλάβοι τέλος, ἔχεις τὴν αἴτησιν τῆς ἐλπίδος οὐ διαμαρτοῦσαν, φιλίας τε ἅμα καὶ παραμυθίας ὑπόθεσιν καὶ ἀνάμνησιν, καὶ δὴ καὶ ἀπαρχὴν καὶ τελευτὴν ἀφοσιουμένην τῶν σῶν κατὰ λογικὴν θεωρίαν αἰτήσεων τὴν ἐκπλήρωσιν. Εἰ δ' ἐκείθεν ἡμᾶς ἀνασωσάμενον τὸ θεῖον τε καὶ φιλάνθρωπον νεῦμα εἰς τὴν ἀλλήλων θέαν καὶ προτέραν ἀπόλαυσιν ἀποκαταστήσει, τάχα ἂν ἐτέρων ἐκδόσεων οὐκ ἐλαττόνων ἀρχὴ ταῦτα εἴη παραπλησίῳ τύπῳ παρεχομένων σοι τὴν ὠφέλειαν.¹⁰³

Comme il a été remarqué, ce chapitre est en contradiction avec l'épître à Taraise en ce qui concerne la nature de la *Bibliothèque* :¹⁰⁴ si cette dernière consiste, selon la lettre, dans le compte-rendu des livres lus en l'absence de Taraise,¹⁰⁵ dans la conclusion elle est présentée comme une récapitulation relative à tous les livres que Photios a lus au cours de sa vie, mis à part ceux 'dont l'étude et la pratique conduisent aux arts et aux sciences'.¹⁰⁶ Plusieurs reconstructions ont été proposées afin de justifier une telle contradiction,¹⁰⁷ parvenant même à la négation, contre toute évidence, de

¹⁰³ Ed. Henry VIII, p. 188 et ss. L'idée d'Impellizzeri 1975, p. 355 n. 1, selon laquelle ce passage ferait référence à deux cent soixante-dix-neuf *auteurs*, n'est compatible ni avec l'épître à Taraise (qui parle explicitement de βιβλία), ni avec la structure grammaticale de la longue période, s'ouvrant par un neutre pluriel.

¹⁰⁴ Cf. Mango 1975, p. 39-40 ; Canfora 1995, p. 61 et n. 75 (avec bibliogr.) ; Schamp 2012, p. 7.

¹⁰⁵ τῶσαῦτα γάρ, οἶμαι, τῆς σῆς οὐ τυχόντα παρουσίας ἀναγνωσθῆναι συνέπεσεν : éd. Henry I, p. 1.

¹⁰⁶ Ἄ μὲν οὖν φιλολογουμένοις ἡμῖν καθ' ἑαυτοὺς εἰς ἀνάμνησιν ἔλθειν συνηνέχθη, χωρὶς ὧν ἡ σπουδὴ καὶ μελέτῃ τέχνας φιλεῖ καὶ ἐπιστήμας ἐργάζεσθαι, ἀφ' οὗπερ τις αἰσθησὶς ἡμῖν ἀμυγέπη καὶ κρείσις λόγων ἐνεφύη μέχρι τῆς παρούσης τῶν ἀνεγνωσμένων ὡς ἐν τύπῳ συνεκδόσεως, εἰς τοσοῦτον, οἶμαι, συνάγεται πλῆθος : éd. Henry VIII, p. 214. Cf. au sujet de cette contradiction, déjà Halkin 1963, p. 416.

¹⁰⁷ Ziegler 1941, col. 689-690.

l'existence d'une contradiction.¹⁰⁸ On a par exemple proposé de la faire dépendre d'une dynamique de composition complexe : l'épître aurait été conçue comme préface à une première version de la *Bibliothèque*, qui correspondrait à un projet abandonné ; la conclusion ferait en revanche état de l'ouvrage dans sa forme définitive, résultat d'une opération qui se serait prolongée bien au-delà des intentions originaires, devenant une sorte de *Lebenswerk*.¹⁰⁹ Certes, l'analyse que nous avons conduite, permettant de reconnaître deux grandes phases dans la réalisation du *Marcianus* et d'identifier la mise en place de celui-ci avec la composition de la *Bibliothèque*, semble, d'un certain point de vue, confirmer cette reconstruction. Mais, d'autre côté, des détails imposent la plus grande prudence. Par exemple, comment expliquer le fait que la proposition même de l'épître (l'absence de Taraise) est contredite dans le ch. 165 (qui rentre dans la première partie de la *Bibliothèque*), où on lit : 'ce sont là, je pense, les seuls discours du sophiste Himérius, soit environ soixante-dix, *que ton amour du travail t'a fait lire en notre présence*' ?¹¹⁰

Un détail codicologique supplémentaire ajoute un problème au problème. Le dernier chapitre, contenant, comme nous l'avons dit, l'épilogue de la *Bibliothèque*, a été transcrit *a posteriori* dans le *Marcianus* :¹¹¹ une telle affirmation peut sembler hasardee, car, on l'a remarqué, la partie correspondante du manuscrit manque en raison d'une lacune matérielle. Le *pinax* prouve toutefois d'une façon certaine que le dernier chapitre ne se trouvait dans le codex que grâce à une addition : en effet, son titre a été ajouté par la main A, à la fin du *pinax*, à la dernière minute. L'entrée

¹⁰⁸ Wilson 1968, p. 452 ; Treadgold 1980, p. 22, selon qui '[...the] exception mentioned in the postface of books «whose study and perusal commonly constitute the arts and sciences» [...] corresponds to the preface's «books that are common and probably, because of their availability, have not eluded your studies either» with which Photius was not careful ; probably he described some summarily and omitted the most common altogether'. Il s'agit là d'une déduction illégitime : dans la préface, il n'est pas question d'omissions ! Cf. aussi Treadgold 2002, p. 11 n. 38.

¹⁰⁹ Hägg 1973, p. 221 et s. ; Canfora 1995, p. 61.

¹¹⁰ Ed. Henry II, p. 139-140. Cf., sur cette contradiction, aussi Treadgold 1980, p. 22. Sur la question cf. aussi Schamp 2010, p. 651 et s.

¹¹¹ Selon Severyns 1938, p. 7-8, l'épilogue ne pouvait qu'avoir été écrit avant la préface.

précédente (titre du ch. 278, numéroté 279 dans le *pinax*¹¹²) se termine, seule parmi toutes les autres, par le signe : ~. Elle était donc la dernière de l'index. Le titre de notre chapitre, ajouté avec une encre différente, est en outre caractérisé par une densité très élevée de la chaîne graphique.

Pour conclure, on retrouve la même indication concernant le nombre des βιβλία recensés – une indication qui n'aurait vraisemblablement pu sortir de la plume de Photios – dans trois endroits du *Marcianus* (et de la *Bibliothèque*) : l'épître à Taraise, le titre général et le dernier chapitre. Les deux premiers constituent des textes liminaires¹¹³ et le troisième a été ajouté, dans le manuscrit, après l'achèvement de celui-ci. En outre, l'épître à Taraise, qui ne s'accorde pas, sous des aspects importants, avec le dernier chapitre, fait référence à un secrétaire, alors que la composition de la *Bibliothèque* que nous voyons en acte dans le *Marcianus* est le résultat du travail de plusieurs scribes. Compte tenu de toutes ces circonstances, n'est-il pas opportun de mettre en doute la paternité de cette lettre, du moins dans sa forme actuelle et d'y voir le résultat d'un remaniement bien plus lourd que l'on ne l'a cru jusque-là ?

Certes, une telle hypothèse exige de nouvelles vérifications, surtout du point de vue linguistique et textuel.¹¹⁴ Il faut toutefois admettre que ce monument de la civilisation byzantine qu'est la *Bibliothèque* ne constitue un ouvrage organique que grâce à la lettre à Taraise, au titre général et à l'épilogue, c'est-à-dire trois textes hautement suspects.

Les perspectives de réflexion que l'étude stratigraphique de ce manuscrit nous a poussés à ouvrir sont, certes, extrêmes. Toutefois, il s'agit de chemins qu'il faut avoir le courage de parcourir.

¹¹² Pour ce qui concerne le nombre effectif de chapitres dont est constituée la *Bibliothèque* (279 ou 280), nous nous limitons à renvoyer à Schamp 2010, p. 650 et n. 5 (avec bibliogr.)

¹¹³ Nous ne comprenons pas sur quelle base Treadgold 1980, p. 18 affirme que '[...the] title is evidently the author's own'.

¹¹⁴ Sur l'opportunité de soumettre cette épître à une analyse approfondie, cf. Canfora 1995, p. 60 n. 73 ; Canfora 2001, p. 432. Nous avons l'intention de le faire, surtout pour ce qui concerne sa partie initiale, dans des prochaines publications.

Bibliographie

- M.R. Acquafredda (2012), *Storia della Biblioteca di Fozio a partire da un documento inesplorato: il pinax* (thèse doctorale inédite, Università di Messina).
- G. Alberigo (éd. 1994), *Les Conciles œcuméniques. Les Décrets, II-1. De Nicée I à Latran V*, Paris: Editions du Cerf.
- H.-B. Beck (1959), *Kirche und theologische Literatur im byzantinischen Reich*, München: Beck.
- I. Bekker (1824), *Photii Bibliotheca*, I, Belin: Reimer.
- D. Bianconi (2003), 'Eracle e Iolao. Aspetti della collaborazione tra copisti nell'età dei Paleologi', dans *Bizantinische Zeitschrift* 96, p. 521-558.
- D. Bianconi (2011), '"Piccolo assaggio di abbondante fragranza". Giovanni Mauropode e il Vat. gr. 676', dans *Jahrbuch der Österreichischen Byzantinistik* 61, p. 89-103.
- P. Canart (1998), *Quelques exemples de division du travail chez les copistes byzantins*, dans Ph. Hoffmann (éd.), *Recherches de codicologie comparée. La composition du codex au Moyen Âge, en Orient et en Occident*, Paris: Editions Rue d'Ulm, p. 49-67.
- L. Canfora (1995), 'Libri e biblioteche', dans *Lo spazio letterario della Grecia antica*, II, *La ricezione e l'attualizzazione del testo*, Roma: Salerno editore, p. 11-243.
- L. Canfora (1998a), 'Il "reading circle" intorno a Fozio', dans *Byzantion* 68, p. 222-223.
- L. Canfora (1998b), 'Le "cercle des lecteurs" autour de Photius : une source contemporaine', dans *Revue des études byzantines* 56, p. 269-273.
- L. Canfora (1999), 'Postilla', dans *Quaderni di storia* 49, p. 175-177.
- L. Canfora (2001), *Il Fozio ritrovato. Juan de Mariana e André Schott*, Bari: Dedalo.
- L. Canfora (2003), *La Bibliothèque du Patriarche. Photius censuré dans la France de Mazarin*, Paris: Les Belles Lettres.
- B. Campos (2012), '"Quand Dieu dit une chose et fait ensuite une autre": la compilation de textes antijuifs et antihérétiques du Par. Coisl. 299', dans *Segno e Testo* 10, p. 279-304.
- G. Cavallo (1999), 'Per le mani e la datazione del codice Ven. Mar. gr. 450', dans *Quaderni di storia* 49, p. 157-162 + pl.
- G. Cavallo (2001), «Foglie che fremono sui rami». *Bisanzio e i testi classici*, dans S. Settis (éd.), *I Greci. Storia Cultura Arte Società*, 3. *I Greci oltre la Grecia*, Torino: Einaudi, p. 593-628.

- G. Cavallo (2003), *Sodalizi eruditi e pratiche di scrittura a Bisanzio*, dans J. Hamesse (éd.), *Bilan et perspectives des études médiévales (1993-1998)*, Euroconférence (Barcelone, 8-12 juin 1999), Louvain-la-Neuve: Fédération Internationale des Instituts d'Etudes Médiévales, p. 645-665.
- A. Dain (1975), *Les manuscrits*, Paris: Les Belles Lettres.
- A. Diller (1962), 'Photius' Bibliotheca in Byzantine Literature', dans *Dumbarton Oaks Papers* 16, p. 389-396.
- T. Hägg (1973), 'Photius at Work: Evidence from the Text of the *Bibliotheca*', dans *Greek, Roman and Byzantine Studies* 14, p. 213-222.
- T. Hägg (1975), *Photios als Vermittler antiker Literatur. Untersuchungen zur Technik des Referierens und Exzerpierens in der Bibliothek*, Uppsala: Almqvist & Wiksell.
- F. Halkin (1963), 'La date de composition de la "Bibliothèque" de Photius remise en question', dans *Analecta Bollandiana* 81, p. 414-417.
- J. Irigoin (1962), 'Survie et renouveau de la littérature antique à Constantinople (IX^e siècle)', dans *Cahiers de civilisation médiévale* 5, p. 287-302.
- K. Krumbacher (1897), *Geschichte der byzantinischen Literatur von Justinian bis zum Ende des Ostroemischen Reiches*, I, München: Verlag der K.B. Akademie der Wissenschaften.
- P. Lemerle (1971), *Le premier humanisme byzantin : notes et remarques sur enseignement et culture à Byzance des origines au 10^e siècle*, Paris: Presses Universitaires de France.
- K. & S. Lake (1934-1939), *Dated Greek Minuscule Manuscripts to the Year 1200*, I-X, Boston (MA): The American Academy of Arts and Sciences.
- M. Losacco (2006), 'Per la storia della tradizione della *Biblioteca* di Fozio: il manoscritto Marc. gr. 451', dans *Proceedings of the 21st International Congress of Byzantine Studies*. London 21-26 August 2006, III, *Abstracts of Communications*, Aldershot: Ashgate, p. 131-132
- C. Mango (1975), 'The Availability of Books in the Byzantine Empire', A.D. 750-850, dans *Byzantine Books and Bookmen. A Dumbarton Oaks Colloquium, 1971*, Washington, D.C.: Dumbarton Oaks, Center for Byzantine Studies, p. 29-45.
- A. Markopoulos (2004), 'New Evidence on the Date of Photios' *Bibliotheca*', dans A. Markopoulos, *History and Literature of Byzantium in the 9th-10th Centuries*, Aldershot: Ashgate, n° XII.
- E. Martini (1911), *Textgeschichte der Bibliothek des Patriarchen Photios von Konstantinopel, I. Die Handschriften, Ausgaben und Übertragungen*, Leipzig: B.G. Teubner.

- S. Micunco (2008), *La géographie dans la Bibliothèque de Photios : le cas d'Agatharchide. La geografia nella Biblioteca di Fozio : il caso di Agatharchide* (thèse doctorale inédite, Université de Reims Champagne-Ardenne – Università degli studi di San Marino).
- J. Morelli (1802), *Bibliotheca manuscripta Graeca et Latina*, I, Bassano: Typographia Remondiniana.
- E. Nystrom (2009), *Containing Multitudes. Codex Upsaliensis Graecus 8 in Perspective*, Uppsala: Acta Universitatis Upsaliensis.
- J.A. Ochoa (1991), 'La terminología del libro en la Biblioteca de Focio: libro físico y obra literaria', dans P. Radici Colace & M. Caccamo Caltabiano (eds.), *Atti del I Seminario di Studi sui Lessici Tecnici Greci e Latini*, Messina: Accademia Peloritana dei Pericolanti, p. 113-128.
- P. Orsini (2005), 'Pratiche collettive di scrittura a Bisanzio nei secoli IX e X', dans *Segno e Testo* 3, p. 265-342.
- P. Orsini (2008), 'Minuscole greche informali del X secolo', dans B. Atsalos & N. Tsironi (eds), *Actes du VI^e Colloque international de Paléographie grecque (Drama, 21-27 sept. 2003)*, Athènes: Société hellénique de reliure, I, p. 41-70; III, p. 931-947 (planches).
- Photios, *Bibliothèque*, I-VIII, éd. R. Henry, Paris, 1959-1977: Les Belles Lettres.
- Photius patriarcha Constantinopolitanus, *Epistulae et Amphilochia*, III, éd. B. Laourdas & L.G. Westerink, Leipzig, 1985: Bibliotheca scriptorum Graecorum et Romanorum Teubneriana
- Photius patriarcha Constantinopolitanus, *Epistulae et Amphilochia*, V, éd. L.G. Westerink, Leipzig, 1986: Bibliotheca scriptorum Graecorum et Romanorum Teubneriana.
- Photius patriarcha Constantinopolitanus, *Epistulae et Amphilochia*, VI.1, éd. L.G. Westerink, Leipzig, 1987: Bibliotheca scriptorum Graecorum et Romanorum Teubneriana.
- F. Ronconi (2004), 'Per una tipologia del codice miscellaneo greco in epoca mediobizantina', dans *Segno e Testo* 2 (= E. Crisci & O. Pecere [eds], *Il codice miscellaneo. Tipologie e funzioni*. Atti del Convegno internazionale. Cassino, 14-17 maggio 2003), p. 145-182
- F. Ronconi (2007), *I manoscritti greci miscellanei. Ricerche su esemplari dei secoli IX-XII*, Spoleto: Fondazione Centro italiano di studi sull'alto Medioevo.
- F. Ronconi (2010), 'Juxtaposition/assemblage de textes et histoire de la tradition : le cas du Paris. gr. 1711', dans A. Bravo García & I. Pérez Martín (eds), *The Legacy of Bernard de Montfaucon: Three Hundred Years of Studies on Greek Handwriting*. Proceedings of the Seventh International Colloquium of Greek Palaeography (Ma-

- drid-Salamanca, 15-20 September 2008), Turnhout: Brepols, I, p. 503-520, II, p. 899-905.
- F. Ronconi (2012a), 'La collection brisée. La face cachée de la "collection philosophique" : les milieux socio-culturels', dans P. Odorico (éd.), *La face cachée de la littérature byzantine. Le texte en tant que message immédiat*. Actes du colloque international, Paris, 5-7 juin 2008, Paris: Editions du Centre d'Etudes Byzantines, Néo-Helléniques et Sud-Est Européennes de L'Ecole des Hautes Etudes en Sciences Sociales (Dossiers Byzantins, 10), p. 137-166.
- F. Ronconi (2012b), 'La Bibliothèque de Photios et le Marc. gr. 450. Recherches préliminaires', dans *Segno e Testo* 10, p. 249-278.
- J. Schamp (1984), 'Réflexions sur la "Bibliothèque" de Photios : à propos d'un livre récent', dans *Revue belge de philologie et d'histoire* 62, p. 156-165.
- J. Schamp (1987), *Photios historien des lettres. La Bibliothèque et ses notices bibliographiques*, Paris: Les Belles Lettres.
- J. Schamp (2000), *Les Vies des dix orateurs attiques*, Fribourg: Editions Universitaires.
- J. Schamp (2004), '“Vendez vos biens” (Luc 12, 33). Remarques sur le Julien de Photios et la date de composition de la Bibliothèque', dans *Orientalia Lovaniensia Analecta* 137 (= B. Janssens & B. Roosen & P. Van Deun [eds], *Philomathestatos. Studies in Greek Patristic and Byzantine Texts Presented to Jacques Noret for his Sixty-Fifth Birthday*), p. 535-554.
- J. Schamp (2010), 'Photios abrégiateur', dans M. Horster & Ch. Reitz (eds), *Condensing Texts – Condensed Texts*, Stuttgart: Franz Steiner Verlag, p. 649-734.
- J. Schamp (2011), 'Le projet pédagogique de Photios', dans P. Van Deun & C. Macé, *Encyclopedic Trends in Byzantium? Proceedings of the International Conference held in Leuven, 6-8 May 2009*, Leuven – Paris – Walpole, MA: Peters, p. 57-75.
- J. Schamp (2012), 'Du verbe au Verbe. Considérations sur le renouveau de l'enseignement à Byzance au IX^e siècle', dans *Rursus* 7 (version en ligne: <http://rursus.revues.org/813>).
- A. Severyns (1938), *Recherche sur la Chrestomathie de Proclus. Première partie. Le Codex 239 de Photius. Tome I. Etude paléographique et critique*, Liège – Paris: Les Belles Lettres.
- W.T. Treadgold (1977), 'The Preface of the *Bibliotheca* of Photius: Text, Translation, and Commentary', dans *Dumbarton Oaks Papers* 31, p. 343-349.
- W.T. Treadgold (1980), *The Nature of the Bibliotheca of Photius*, Washington, D.C.: Dumbarton Oaks Center for Byzantine Studies.

- W.T. Treadgold (1981), 'Photius and the Reading Public for Classical Philology in Byzantium', dans M. Mullet & R. Scott (eds), *Byzantium and the Classical Tradition*, Birmingham: Centre for Byzantine Studies, University of Birmingham, p. 123-126.
- W.T. Treadgold (2002), 'Photius Before His Patriarchate', dans *Journal of Ecclesiastical History* 53, p. 1-17.
- S. Valente (2008), 'Una miscellanea lessicografica del X secolo: il Par. Coisl. 345', dans *Segno e testo* 6, p. 151-178.
- N.G. Wilson (1968), 'The Composition of Photius' *Bibliotheca*', dans *Greek, Roman and Byzantine Studies* 9, p. 451-455.
- N. Zorzi (1998), *Studi sulla tradizione manoscritta della Bibliotheca di Fozio : il ms. Marc. gr. 450 (=652). Con uno specimen di edizione dei marginalia e un capitolo su Teodoro Scutariota* (thèse doctorale inédite, Università di Padova 1998).
- N. Zorzi (2004), 'Lettori bizantini della "Bibliotheca" di Fozio: marginalia del Marc. gr. 450', dans *Siculorum Gymnasium*, n.s. 57 (= Atti del VI Congresso Nazionale dell'Associazione Italiana di Studi Bizantini, Catania-Messina, 2-5 ottobre 2000), p. 829-844.

STAFFAN WAHLGREN
Trondheim

EDITING THE *MISCELLANEA* OF THEODORUS METOCHITES

The *Semeioseis gnomikai*, or *Miscellanea*, is a collection of 120 essays on various themes written by the Byzantine polymath and statesman Theodorus Metochites (1270–1332), Grand Logothete during the reign of Andronicus II.¹ The project aiming at a modern critical edition of this collection, intending to replace the 1821 edition by Müller & Kiessling, is well under way.² Essays 1–26 & 71, *On Ancient Authors and Philosophy*, have been published by Karin Hult (Göteborg 2002). My own edition, which will comprise the essays 61–70 & 72–81 – these essays deal with diverse historical, political and ethical themes – is currently in a final stage of preparation for the printers. Also the edition of the remaining essays is approaching its final stages.

The present paper will address two themes of interest to the editor of this text and also, presumably, of more general relevance to any study of the transmission of texts and of the employment of sources, especially as far as learned Byzantine texts transmitted in a way typical to the Paleologan age are concerned. The first theme to be addressed is that of the work processes of the author: what evidence is there as to how Metochites organised his work?

¹ Studies of importance on Theodorus Metochites' works are Featherstone 2011, Bydén 2003, de Vries-van der Velden 1987, Ševčenko 1975, and Ševčenko 1962. Studies with particular reference to the *Miscellanea* are Featherstone 2011, Bydén 2002, and Beck 1952. A comprehensive study of Metochites' life has not been written as yet. See also Agapitos 1996.

² This project is under the general editorship of Karin Hult, Göteborg university.

Is there any evidence which enables us to understand the way from concept, or draft, to a complete text? Did the author work in close connection with a scribe, and did he read through the text once written down with a view to introducing corrections? It may be self-evident that understanding the author has a value of its own. However, I would in particular want to stress the need for greater conceptual clarity in textual criticism than is often displayed: we have to make clear what we take the text adopted to mean and whether it is what we think the author actually wrote or, for instance, what we think that he intended to write, and whether we are interested in his original work or rather his second thoughts.

The second theme is closely connected with the first: it will be a discussion of the author's employment of sources, with a critical view to whether their closer study has much to offer for the textual critic and whether this kind of text illustrates a need for connecting textual criticism with source studies, *Quellenforschung*.

The text of the *Miscellanea* is transmitted in two main MSS, the Parisinus gr. 2003 (in the following sometimes referred to as P) and the Marcianus gr. 532 (coll. 887) (in the following sometimes referred to as M). Both the MSS do without doubt stem from the first half of the 14th c. and are therefore close in time to the author himself; it may even be that they were produced when the author of the text was still alive (see for this the discussion below). There are also several apographs of the Parisinus, MSS which, for all practical purposes, are of no value for the reconstruction of Metochites' text. It should be mentioned that the Parisinus is a very well preserved MS, which is easy to read; therefore there is no need to take recourse to the apographa in order to see what is written.³ By contrast, the other main MS, the Marcianus, has been damaged to a certain extent by humidity (as so many MSS in the Marciana), and its legibility is often severely reduced; the legibility of many folios is as low as approx. 70%. For this reason, the editor often has to rely on the (only) existing apograph of the Marcianus, the Escorialensis gr. 248 (Y.I.9).

³ For the main MSS see Hult 2002, p. xvi ff., as well as Mioni 1985, de Andr s 1965, and Omont 1888. For the relationship of the secondary MSS to the main MSS, see Hult 2002, p. xxxii–xxxiii, and Arco Magr  1982.

What do the MSS tell us about how the text came into being? In order to understand this, it is first of all necessary to establish what there is to know about the relationship of the MSS to each other. The modern editions published so far (Agapitos 1996; Hult 2002) come to the conclusion that the MSS go back upon a common ancestor and that they do so independently of each other. Both Agapitos 1996 (p. 22) and Hult 2002 (p. xxv ff.) also explicitly state their belief that the way from autograph to existing MSS must have been very short, the reason being that the differences between the existing MSS are so small. Agapitos 1996 goes as far as to presume that the existing MSS depend on an original MS without the mediation of an archetype, whereas Hult presupposes an archetype.

In my forth-coming edition I have tried to take the discussion on this subject a step further and I have made a couple of attempts at a systematic study of the readings by which the two main MSS differ from each other. These differences I have categorised under the two main headings of *Differences with semantic/syntactical implications* and *Differences without semantic/syntactical implications*, distinctions which in most cases are reasonably clear-cut.

The category *Differences with semantic/syntactical implications* is furthermore divided into two sub-categories. First, there are additions or omissions. Some examples (out of a total of 26 in approx. 27.000 words of text):

	P	M
67.13.1	ῥωμαίων	τῶν ῥωμαίων
67.14.2	τῶν μαιφονιῶν	μαιφονιῶν
67.21.1	δή	om.
80.2.2	om.	ἴσως

As this is meant to illustrate, the differences are of a very minor kind, even if they, strictly speaking, should not be defined as without any implication at all. One of the MS exhibits a particle, a modifier or a connective, or the definitive article, which the other MS does not. There is no clear tendency here, as far as I can see: it is not so, for instance, that the one MS is more complete than the other. Of greatest interest are, or so it would seem, two cases of difference where negations are concerned:

68.4.5 Καὶ τοίνυν οὐδ' ἐντεῦθεν οὐ (οὐ om. M) μικρὸν ἔργον
ὁμόνοιαν ἐγγίνεσθαι κτλ.

79.3.4 οὐ γὰρ ἂν ἄλλως σῶφρον εἴη, ὅτι μὴ (μὴ om. M) μετὰ
τῆς θείας ἐλπίδος ἐπιχειρεῖν κτλ.

In both these sentences the presence of a possible double negation is the point of interest. Such double negations are notoriously problematic and there is, I think, no certain way to tell which reading is the better and which is secondary: a double negation can be 'psychologically understandable' (so Hult 2002, p. XXVIII, with regard to a similar case). On their own merits, I would regard the reading of P slightly preferable in the first case and that of M slightly preferable in the second.

In addition to this, there is one instance (69.1.6) of a double use of the particle ἂν in the MS M: ὅταν ἀποφεύγοι P: ὅταν ... ἂν φεύγοι M (see for this further below).

There are also, in the same corpus, 52 cases of differences of word forms or vocabulary. Most of these differences are quite trivial and include instances of differing breathing and accent as well as different forms of the same verb (γεγονότων / γενομένων: in this case there is reason to believe that there is no semantic difference to a late Byzantine writer; however, we cannot be quite sure).

To this come differences without semantic or syntactic implications (or, to be precise, without any such implications imaginable to us; see, however, further below).

First among these are examples of differing word order, 32 instances in the 20 essays edited by me, i.e. a little more than once in 1000 words (as mentioned above, the text edited is approx. 27.000 words). These differences are in all cases of a very minor kind – or at least they seem to be so: it is in all cases a question of the transposition of adjacent words. Some examples:

	P	M
61.1.1	γνώμη γνώμη τε	γνώμη τε γνώμη
62.2.2	Τὸν δ' αὐτὸν	Τὸν αὐτὸν δ'
63.4.2	ἄρα φαίη τις ἂν	ἂν ἄρα φαίη τις
65.1.4	ἐαυτῷ ἴσως Pac	ἴσως ἐαυτῷ (sic etiam Ppc)
75.1.4	εἰ γὰρ μὴ	εἰ μὴ γὰρ

79.2.3

τοῦ σκοποῦ ἀμέλει Ραc

ἀμέλει τοῦ σκοποῦ
(sic etiam Ppc)

Although our understanding of Byzantine Greek word order is very limited, we may (although we have labelled these differences as without meaning) think of some possible reasons why anyone would like to change a pre-existing word order. The first of these is of a phonological kind: a desire to achieve (or avoid) euphonic combinations of a certain kind, such as hiatus (see 65.1.4 above for a possible example of this). Another reason would be a desire to achieve a word order which is more in accordance with a more archaizing, or high-status, norm (it is, of course, also possible to have the wish to change in the opposite direction, so as to avoid an archaizing structure). The first-mentioned cases (61.1.1 and 62.2.2) may exemplify this. In both cases the reading of P may be considered the more high-level variety. Similar may be the cases of ἄρα (63.4.2), γάρ (75.1.4) and ἀμέλει (79.2.3), in which instances, too, the reading of P may be the variety with the higher status. A third kind of reason to change a pre-existing word order could be a wish to underline, or foreground, a message more effectively.

Apart from differences of word order, there are variations of phonology, orthography and morphology the meaning of which is likewise (or even more so) difficult to understand. Some examples:

	Ρ	Μ
61.4.2	ἐϋρημένων	ἡϋρημένων
62.1.6	γιγνόμενον	γινόμενον
62.3.6	ξυμπίπτοντες	συμπίπτοντες
66.4.7	ἐνσπόδων	ἐνσπόνδων
67.9.4	Κύννα	Κίννα
67.18.6	παρέδωκαν	παρέδοσαν

As to variation such as $\sigma\nu\nu-$: $\xi\nu\nu-$, or $\gamma\nu\nu-$: $\gamma\nu-$ it is not possible to see a preference of a more archaizing or high-status choice in one MS more than in the other.

In sum, I think it can be safely said that the examples of differing readings do not tell us much at all about the relationship of the MSS to each other, and it is quite uncertain which readings are more, which are less original. All that could be said (and

this with great caution), is that P is slightly more prone towards a higher style than M and, since it may be slightly more probable that a scribe would change from a simpler to a more sophisticated variant reading, this could mean that there is a slightly higher probability that P depends upon M than vice versa. Furthermore, no examples of likely errors are of such a kind that they can be more safely attributed to a scribe than to an author. On the evidence of the material presented here, it could therefore be supposed that nothing can be said with certainty about the relationship of the MSS to each other: neither whether the one is dependent upon the other, nor whether we should presuppose an archetype between the original and the existing MSS.⁴

Another matter is the make-up of the MSS. M makes a somewhat unfinished impression. A good example of this is provided by essay 57, chapter 7, §3 (this essay will be published by Karin Hult) where there is a space left in M. Here it may be suggested that, perhaps, the scribe did not know as yet what to put in the slot; in P, on the other hand, the slot has been filled up with the words ἀνεπιστρόφως ἔχοντες. M is also a somewhat peculiar MS with regard to its overall layout, and there are examples of folia (see 203v and 290v-291r) which are partly, or almost completely, devoid of text. We do not know why this is so (there is no obvious codicological explanation); however, an explanation which would fit the bill in all these cases is that M represents an unfinished stadium of the very work, that is to say, that the text had not been finished at the time of the production of the MS and that the scribe did not always know what to write. If this is so, then Metochites seems to have worked closely with the scribe or may actually be the scribe of M himself.⁵

In this connection, it is also necessary to discuss the corrections by scribes. There are a great many corrections introduced into

⁴ It should, however, be mentioned that the earlier editions, notably Hult 2002, are confident that there are errors in both MSS which are mutually exclusive, in such a way that we have to presuppose the independence of M and P of each other and that they go back upon a common ancestor (whereas I do not feel convinced by any evidence to this effect known to me).

⁵ There is no certain examples known of Metochites' hand; see also below with n. 8.

the MSS at a secondary stage. This is especially so in P. In short, the relevant facts are as follows.

The main text of P was written by a well-known scribe, Michael Klostomalles (to be referred to as P1).⁶ Apart from this, one contemporary hand at the very least can be discerned in P.

On folio 3r there is the following authorship note (written above the pinax): τοῦ σοφωτάτου μεγάλου λογοθέτου θεοδώρου τοῦ μετοχίτου.

There are also the three so-called ‘Metochites notes’, i.e. marginal comments on the text which are most plausibly understood as having been composed by Metochites in person. An example of this is the following:

ἀληθεύω θεοῦ ἐφορῶντος ἔγωγ’ ὁ συγγραφέων· οὕτω δὲ βεβίωκα

‘As God is my witness, I, the author, am right in this. For I have lived it’ (translation according to Hult 2002, p. XIX)

This is a comment on essay 62, chapter 3, §1, which in my translation reads:

‘...also many of the high-born as well as those of humbler station stumble into such a life [i.e. a life in the public eye]; this they do in the most unpleasant way and unwillingly and in spite of their inclination and character and although they try to avoid it by every conscious effort of the mind. And although they are, by nature, totally differently disposed, they are forced into this kind of life and they meet with an untoward fate in situations not natural to them’.

Finally, there are corrections to the text itself.

A considerable discussion has taken place about whether all these additions and changes are the work of one person or several. It seems rather certain that the authorship note was written by Nicephorus Gregoras, Metochites’ famous pupil. Further, because of what they actually say, it seems difficult to envisage that the ‘Metochites notes’ were not composed by Metochites. All the same, it has been claimed that they were at least not penned by him; and lately, it has been suggested that they probably were

⁶ See Lamberz 2000.

penned by Metochites after all.⁷ As to the corrections to the text, some of them stem from the P1 scribe, who, we may presume, looked through his text and checked it after having written the bulk of it, whereas some corrections must stem from someone else; these may, at least in part, be written by the writer or writers of commentaries mentioned above. In order to summarize this convoluted mass of information: we have a scribe P2, and perhaps also a P3, and some kind of revision of the MS has been carried out by Nicephorus Gregoras certainly and perhaps even by Metochites himself. In any case, the corrections have to be considered as of good authority.⁸

In conclusion, M and P are both without doubt extremely close to the origin of the work. It is very likely that they both illustrate the work processes of the author, although in very different ways: M seems to illustrate the way from draft to text, and P the way from text to final version. Both MSS challenge us to think more about how Byzantine texts are transmitted and, consequently, how they should be edited.

Our second theme concerns Metochites' employment of sources. Although it is hard to make an overall assessment of this until all, or more, of his texts are available in modern editions, there is no doubt that Metochites' reading and display of sources is considerable. The following discussion will be based upon some of the recently published texts, together with my forthcoming edition; particular attention will be paid to the *Miscellanea*.⁹

Ancient authors directly cited or alluded to in the *Miscellanea* include Homer (the *Iliad* and the *Odyssey*, as well as the pseudo-Homeric *Margites*), Hesiod, Pindar, the tragic poets (Aeschylus, Sophocles, Euripides), and Aristophanes. The citations and allusions from these are in most cases probably fairly typical, not to say of great banality. An instance in point is the citation of Aeschylus, *Persae* 599 (already alluded to in Euripides, *Medea* 362–

⁷ For the development of this discussion see Hult 2002, p. xviii, as well as my forthcoming edition.

⁸ I also remind the reader of the suggestion, made above, that M may in fact be written by Metochites himself.

⁹ It should be mentioned that even recently published editions, such as that of the *Ethicus*, or *On Education* (ed. I. Polemis, Athens 1995), treat of the sources with a very light hand, and it seems almost certain that much more sources and parallels could be identified than has been the case.

363), the κλύδων κακῶν, which constitutes the origin of Shakespeare's 'Sea of troubles' (*Hamlet*, Act 3, Scene 1).

There is also an interesting, partly remarkable range of citations from lost dramatic authors, such as Eubulus comicus and Eupolis, or from otherwise lost parts of the oeuvre of Menander, as well as citations from totally unidentifiable authors of the same kind (e.g. *Adespota veteris comoediae*). There are also several examples of citations from the lost tragedies of Aeschylus and Euripides. There is also a well-known, intriguing example of a possible citation from Sappho: Ὀλβιος γὰρ ἀεί, ὃν Μοῖσαι φιλέοντι, as well as citations from lost works of Pindar.¹⁰ From the Hellenistic era, Callimachus is cited.

Older prose is represented by Herodotus and Xenophon and, more frequently, Plato.¹¹ Aristotle stands in a particular way at the centre of Metochites' attention, and Metochites' use of Aristotle can, perhaps, be mentioned in order to illustrate some problems with understanding his relationship to older literature in a more general way. On the one hand, several of Metochites' writings are directly concerned with Aristotle: several of the essays of the *Miscellanea* discuss Aristotle as a philosopher and man of letters. Metochites also wrote paraphrases, or commentaries, on some of Aristotle's works. In these cases, the author must have worked with these texts in hand, and he seems to know them line by line. On the other hand, however, Aristotle is also very much present in other works by Metochites and forms an important part of his mental universe. However, there can be a lot of doubt about the exactness and the extent of his knowledge in such cases: he refers to Aristotle in an often vague way.¹² It can be little doubt that his acquaintance was very uneven. As an instance, it can be mentioned that a recent discussion of Metochites' reading of Ar-

¹⁰ For the Sappho citation see Ševčenko 1951.

¹¹ It should be mentioned that a particular sub-category of essays within the *Miscellanea* are those dealing with an author (i.e. a prose author) of the past. These essays have been edited by Hult 2002. These include Plato, Aristoteles and Xenophon, further Josephus, Plutarch, Dio, Hermogenes, and Synesius. The reason why we have this constellation is an interest in philosophical-ethical themes of a certain kind, which, in Metochites' mind, unite these authors.

¹² Of particular importance for understanding Metochites' relationship to Aristotle is chapter 2 in Bydén 2003. It summarises earlier literature on Metochites and philosophy, and the work also deals with Metochites' relationship to other philosophers.

istotle's *Rhetoric* sees it as a real possibility that he did not know the text first-hand at all.¹³

In sum, the citations from ancient authors probably very much reflect patterns of reading and citation similar to that of other Byzantine authors belonging to the same kind of literary elite. It is up to a point a very common set of authors that is used, and also the lacunae in Metochites' reading (see the *Rhetoric*) may very well be a feature which he has in common with many men of his time and circles. On the other hand, there are a couple of citations which surprise by their rarity, and one must ask the question from where these citations come: from some anthology lost to us, or from extensive texts?

From the classical period there is the usual leap until the early imperial period and the second sophistic as far as prose texts cited are concerned (poetry is, of course, a somewhat different matter). Aelianus (*De Natura Animalium* and *Varia Historia*), Aelius Aristides, Aelius Herodianus, the grammarian, as well as several other texts of a learned character are sometimes mentioned, including Phrynichus and the like, as also Stobaeus.

Plutarch, too, would seem to be of particular importance to Metochites.¹⁴ Essay 71 in the *Miscellanea* is headed *On Plutarch*, and perhaps therefore it has been natural for researchers to look in a particular way for Plutarchean influence. An interesting case of such influence is that of essay 67, bearing the title: 'That it often happens, that ill fortune, no less unexpected than hard to bear, strangely and very swiftly follows upon the greatest accomplishment and success.' The essay is a major exposé in a somewhat Plutarchean (very Greek, but also very Christian) manner of the vicissitudes likely to befall people in high positions, so as to make them fall from power. It starts out with very grand views and with a narrative about the fate of the Persian through the Macedonian through the Roman empires. In the course of this description, the text very much comes to concentrate upon a series of partly second-rate personalities (as compared to, let us say, Alexander the Great), such as Marius and Sulla, and from there it

¹³ Bydén 2003, p. 54–59 (59): 'In sum, then, there is no compelling evidence that Metochites knew very much more about Aristotle's *Rhetoric* than that it existed.'

¹⁴ For Metochites and Plutarch see in particular Featherstone 2011.

goes on to Pompey and Caesar – in fact, to personalities known from Plutarch's *Parallel lives*. After this, the author turns back to the Greeks and the Athenians after the defeat of the Persians, and from there on to the Spartans, and from there on to the Thebans – from which point the circle is closed by turning to Philip II and the Macedonian conquest. Also in this second part, the author relies heavily on material and anecdotes provided by Plutarch.

However, without denying the importance of Plutarch for Metochites, I think that this may be a case where our attention is drawn in a direction which is not the only one where we should look, and that we tend to disregard the importance of other influences and sources alongside Plutarch. Although this still has to be worked out in detail, I feel relatively certain that the importance of Plutarch is overrated. An author whose influence I think should be investigated more carefully in this context is Lucian. There are several examples of themes and histories occurring in Lucian as well as Plutarch, and in these cases we have, for reasons of Metochites' explicit references, directed our attention always towards Plutarch.

From the Christian and early Byzantine era authors such as Clement of Alexandria, Gregory of Nazianzus and Theodoretus are employed, as well as Libanius and Julian. Also later Byzantine authors (such as Agathias, Arethas, Photius or Suda) are fairly often used or are at least paralleled in Metochites' writings.

There are also allusions to contemporary authors, such as Nicephorus Chumnus and Manuel Gabalas, with whom we know that Metochites corresponded.

There are also some references to Latin literature. Here may be mentioned the well-known 'si vis pacem, para bellum' (from Vegetius' *Epitoma rei militaris*, but with a parallel also in Livy), cited in essay 77, chapter 3, §3 of the *Miscellanea* (although, as can be seen, there is a twist to this Greek rendering as compared with the Latin version: in Latin, peace is the object, in Greek, it is war):

Ταῦτ' ἄρα καὶ παλαιός ἐστιν οὗτοσὶ λόγος κάλλιστ' εἰρημένος,
ὥς ἄρ' ᾧ μάλιστα παρασκευαστέον ἐστὶν εἰς πόλεμον, ἐπιμελητέ-
ον αὐτῷ πρότερον ἢ εἰ μάλιστα τῆς εἰρήνης.

Important to notice is that, just as much as Greek references, those to Latin literature have become part of a general heritage.

A couple of examples of proverbial expressions with Greek origin are to be found in the following passage (essay 62, chapter 1, §6):

καὶ ταῖς παροιμίαις ἢ ἀφορμὴν διδόντα ἢ λοιπὸν ἐνεχόμενον· «πῦρ σκάλλειν», καὶ «ὥς αἶξ τὴν μάχαιραν», καὶ «κινεῖν τὸν ἀνάγυρον» καὶ ὅς' ἄλλα τοῖς παλαιοῖς ἐπὶ τοὺς πολυπράγμονας καὶ κακοπράγμονας καθ' ἑαυτῶν χαριέντως εἴρηται κτλ.

2 πῦρ σκάλλειν] cf. ThM, *Sem.* 12.5.4, *Logos* 10.7.26; Phot., *Hom.* 11.109.6; Areth., *Script. Min.* 71.107.9, et al. 1/2 ὥς αἶξ τὴν μάχαιραν] cf. ThM, *Logos* 10.7.26; Phot., *Homil.* 11.109.6; Zenobius, *Epitome collectionum Lucilli Tarrhaei et Didymi* Centuria 1 section 27; *Suda* AI 235, et al. 2/3 κινεῖν τὸν ἀνάγυρον] cf. *CPG* 1:55.1; cf. etiam ThM, *Logos* 1.7.24; Lib., *Ep.* 80.6.2; Phot. *Lex.* a.1432.9, et al.

As mentioned already, although the *apparatus fontium et parallelorum* may seem to tell otherwise, it is most likely that these citations represent a common stock and do not presuppose any knowledge of any specific text at all.

So, what lesson can we learn from a study of the sources?

First of all, it is clear that Metochites did have access to a wide range of literature. It is very probable that he sometimes worked with MSS in hand and did a very careful job. Sometimes, however, we have every reason to believe that he is relying on his memory, and then he often goes in the direction of a very conventional set of citations and allusions.

Further, it should be noted that there is good reason to believe that much more could be learnt by a careful study of texts later than the superficially obvious sources of Metochites, that is, texts which in reality may have functioned as *Zwischenquellen*.

Lastly, in conclusion to both parts of this study, it must, however, be confessed that it seems very unlikely that an investigation of the sources could help much to establish the text of the *Miscellanea*. For, as has been shown in the first part of this paper, there are extremely few and small differences between the MSS: they were produced in a culture where great care was taken to read carefully and write properly. Also, the MSS were produced by a very small group of people and during a very short time span, for which reason there is also no gap between original and archetype in the way we see in ancient texts and many early and mid-Byzantine texts. All in all, the text is well transmitted and

there are very few cases where a citation is involved and there is a difference of readings. Therefore, there is no evident need to connect source studies with textual criticism. Rather, source studies should be pursued for other reasons, such as to further enlighten the intellectual universe of our author and make us better understand the letters of the precarious 14th c. in general.

Bibliography

- P.A. Agapitos (ed., 1996), *Theodorus Metochites on Philosophic Irony and Greek History: Miscellanea 8 and 93. Edited with Introduction, Translation and Notes by P.A. Agapitos, K. Hult and O.L. Smith*, Nicosia-Göteborg: University of Cyprus-Göteborg University.
- G. de Andrés (1965), *Catálogo de los códices griegos de la Real Biblioteca de El Escorial*, Vol. II, Madrid: Sucesores de Rivadeneyra.
- M. Arco Magri (1982), 'Per una tradizione manoscritta dei Miscellanea di Teodoro Metochita', *JÖB* 32, 4, p. 49-64: Verlag der Österreichischen Akademie der Wissenschaften.
- H.-G. Beck (1952), *Theodoros Metochites und die Krise des byzantinischen Weltbildes im 14. Jahrhundert*, München: Beck.
- B. Bydén (2002), 'The Nature and Purpose of the *Semeioseis Gnomikai*: the Antithesis of Philosophy and Rhetoric', in Hult 2002, p. 245-288.
- B. Bydén (2003), *Theodore Metochites' 'Stoicheiosis Astronomike' and the Study of Natural Philosophy and Mathematics in Early Palaiologan Byzantium*, Göteborg (Studia graeca et latina Gothoburgensia, 67).
- M. Featherstone (2011), 'Theodore Metochites's *Seimeioseis Gnomikai* – Personal Encyclopedism', in Peter van Deun and Caroline Macé (eds), *Encyclopedic Trends in Byzantium? Proceedings of the International Conference held in Leuven, 6-8 May 2009* (Orientalia Lovaniensia Analecta, 212).
- K. Hult (2002), *Theodore Metochites on Ancient Authors and Philosophy: Semeioseis gnomikai 1-26 & 71. A Critical Edition with Introduction, Translation, Notes, and Indexes: with a contribution by Börje Bydén*, Göteborg (Studia graeca et latina Gothoburgensia, 65).
- E. Lamberz (2000), 'Das Geschenk des Kaisers Manuel II. an das Kloster Saint-Denis und der *Metochitesschreiber* Michael Klostomalles', in B. Borkopp & T. Steppan (eds, 2000), *Λιθόστροφον: Studien zur byzantinischen Kunst und Geschichte: Festschrift für Marcell Restle*, p. 155-165, Stuttgart: Hiersemann.
- E. Mioni (1985), *Codices graeci manuscripti bibliothecae Divi Marci Venetia-*

- rum*, Vol. II: Thesaurus antiquus: codices 300–625, Rome: Istituto Poligrafico dello Stato.
- H. Omont (1888), *Inventaire sommaire des manuscrits grecs de la Bibliothèque Nationale*, Paris, II.
- I. Ševčenko (1951), 'A New Fragment of Sappho?', *Annals of the Ukrainian Academy of Arts and Sciences in the U.S.*, 1, p. 150–152: Ukrainian Academy of Arts and Sciences in the U.S.
- I. Ševčenko (1962), *La vie intellectuelle et politique à Byzance sous les premiers Paléologues: Études sur la polemique entre Théodore Métochite et Nicéphore Choumnos*, Brussels (Corpus Bruxellense Historiae Byzantinae. Subsidia, 3).
- I. Ševčenko (1975), 'Theodore Metochites, the Chora, and the Intellectual Trends of His Time', in P.A. Underwood (ed., 1975), *Studies in the Art of the Kariye Djami and its Intellectual Background*, p. 17–91, London (The Kariye Djami, 4: Byzantine Institute of the United States).
- E. de Vries-van der Velden (1987), *Théodore Metochites. Une réévaluation*, Amsterdam: Gieben.

A SCHOLIUM AND A GLOSSARY: TWO FOOTNOTES TO THE CIRCULATION OF RHETORICAL TEXTS IN THE MEDIEVAL GREEK-SPEAKING WORLD

1. Introduction

It is a truism that rhetoric always enjoyed pride of place in Byzantine learning and education, contributing in a substantial manner to the shaping of public discourse and the mentality of the ruling elite, especially civil servants and high officers of the imperial court.¹ This phenomenon has been widely analysed by scholars, although the focus has often been laid on the role played by rhetoric in the construction of formal speech rather than on the concrete, day-by-day mechanism of advanced classroom teaching.² Sources on this practice do not abound from any century of the Byzantine millennium, so that it proves hard even to outline a precise *curriculum studiorum*; what is certain, however, is that since Late Antiquity the transition between the disciplines of grammar and rhetoric was marked by handbooks such as Aphthonius' *progymnasmata* and, later, Hermogenes' comprehensive treatises on issues, on invention, on the qualities and the figures of speech (Περὶ στάσεων, Περὶ εὐρέσεως, Περὶ μεθόδου δεινότητος), as attested by their massive manuscript transmission and by the sheer

¹ A very general sketch in Hunger 1972; much more detailed (and useful) Hunger 1978, p. 75–120; an essential *mise au point* in Kustas 1972. See also Constantinides 1982a, p. 152–155 and Constantinides 2003, p. 40–42; Wilson 1996, p. 2–4; most recently Valiavitcharska 2013.

² On Byzantine school practice see the recent synthesis by Markopoulos 2006, with further bibliography. A preliminary approach to the mechanisms of rhetorical teaching can be found in Conley 1986; more details in Schouler 1995.

number of commentaries, scholia and similar paratexts they gave rise to.³

In what follows we shall follow perspectives not always taken into account by critical editions of ancient or Byzantine texts, trying to unravel cultural phenomena underlying the textual evidence. As an *indignissimus editor* of the Greek scholia to the *Odyssey*, I shall focus on manuscripts somehow connected with Homer or the *Homerica*, singling out a brief paratext from a Salentine manuscript and a short lexicon attested since the Palaeologan age: we shall see whether these short texts can tell us something more specific about the circulation and use of rhetoric in their respective milieus.

2. (Ps.-) *Hermogenes in Salento*

Among the extant annotated manuscripts of the *Odyssey* written in Southern Italy, one of the oldest and most interesting is Vindob. Phil. gr. 56 (paper, 300 x 210 mm, ff. 172, anno 1300).⁴ I have described elsewhere the essential features of the rich, mostly unpublished or poorly collated scholia of the Vienna *Odyssey*, in which remains of the ‘mainstream’ ancient exegesis coalesce with more down-to-earth epimerisms or grammatical notes clearly conceived for a relatively unexperienced readership.

To be more precise, Vindob. Phil. gr. 56 is an important witness of the so-called ‘V-scholia’, a glossographical *corpus* first attested in the 10th century but rooted in the glossaries of the imperial and late antique period;⁵ it also carries some *scholia maiora* of various content (dealing with atheteses, with stylistic issues, with ethical or grammatical features), otherwise contained only in manuscripts H (Londin. Harley 5674) and M (Marc. gr. 613). The former of these two manuscripts was copied in Southern Italy between the late 12th and early 13th century, but its scho-

³ See Hunger 1978, p. 75–91, esp. 75–77; Kustas 1972, p. 5–26; Conley 1990, 64–66; Roueché 2003, p. 28–29; Constantinides 2003, p. 41; Fryde 2000, p. 215; Wilson 1996, p. 25. The medieval aftermath of Aphthonius is now being thoroughly studied by Manfred Kraus (2007 and 2013).

⁴ Pontani 2005, p. 230–242. Hunger 1961, p. 176. For a reasoned brief panorama of South Italian Homeric codices, including ours, see Cavallo 1989.

⁵ On the V scholia see e.g. Pontani 2005, p. 145–148, and the προέκδοσις by Nicola Ernst, to be consulted on the site: <http://kups.ub.uni-koeln.de/1831/>.

lia were added at a later stage by an Otrantine copyist named Nicholas of Gallipoli, who lived in the later decades of the 13th century.⁶ Finally, the Vindobonensis shares both the philological *facies* of the Homeric text and several, less ambitious scholia, with the earliest extant dated *Odyssey*, namely Heidelb. Palat. gr. 45 (P), a manuscript produced by a team of professional scribes in Gallipoli in 1201, under the auspices of the *comes* Palaganus, i.e. in an ambitious scholarly circle, probably not too far remote from the personality of Nicholas-Nectarius of Otranto.⁷

Now, it is obvious that the scholia of Vindob. Phil. gr. 56 largely rely on ‘ready-made’ exegetical material available to the scribe from his lost antigraphon, or in earlier annotated copies of the poem; and it is also very likely that this material included excerpts from John Tzetzes, an author who pops up already in the Palatine manuscript of 1201, and who clearly influenced Homeric exegesis in Salento from a very early stage, as Elisabetta Sciarra has beatifully shown studying the corpus of the so-called h-scholia to the *Iliad*.⁸

It is clear that Tzetizian materials, often curtailed or heavily reworked, circulated in medieval Salento, as they are to be found among the introductory texts to Angel. gr. 22, Bodmer 85, Rehd. gr. 26, Par. gr. 2556 and Vat. gr. 1316.⁹ And it is probably through Tzetzes that the important MS Vindob. Phil. gr. 49 has preserved (ff. 8r-12r) the Homeric allegories of Demo, for which it is our sole witness¹⁰ – not to mention that Tzetzes’ own *Homeric allegories* appear in the very complex Oxon. Bodl. New College 298.¹¹

However, the Vienna manuscript bears a peculiar feature: its first folia carry the traces of a deeper and more peculiar exegesis, which slowly peters out along the first book of the *Odyssey*, then giving way to the more conventional conglomerate we have

⁶ Arnesano & Sciarra 2003.

⁷ See again Pontani 2005, p. 218–225 and particularly Jacob 1998.

⁸ Sciarra 2005.

⁹ I am referring to excerpts from Tzetzes’ *Περὶ τῆς γεννήσεως τῶν θεῶν* (Sciarra 2005, p. 25, 28, 41, 44, 49 and 71) and, in other manuscripts as well such as Ambros. L 116 sup., to a possibly Tzetizian *Ὑπόθεσις τῆς ὅλης Ἰλιάδος* (Sciarra 2005, p. 18 n. 12, and p. 125–128).

¹⁰ Sciarra 2005, p. 140. Ludwig 1895a and 1895b.

¹¹ Sciarra 2005, p. 58–64.

just described, sporadically enriched by less exciting grammatical material.

Names first: on f. 2v we find a note where a certain Nikolaos speaks in the first person, and suggests an etymology of the name ‘Odysseus’ upon its first appearance in the poem (*Odyssey* 1.21). This mention of Nicholas matches a note preserved in the aforementioned *Iliads* Bodl. New College 298 and Vindob. Phil. gr. 49 (*ad Iliad* 3.445), referring to a parallel in Lycophron (*Alex.* 110–112) and to a mysterious line (rather than to a variant) by a certain Nikolaos of Otranto (*ad Iliad* 6.488). Several scholars, including myself, have recognised here the famous abbot Nicholas-Nectarius of Casole, whose fondness for classical texts is well-known. Sciarra, however, has spoken a word of caution in this respect, observing that the addition ‘of Otranto’ only appears in the later version of the note on the *Iliad*, and pointing to several other potential candidates by the same name.¹² While I now agree with Sciarra’s caution, I still believe that the form of the note ought to be compared with the autograph notes on the *Septuagint* Par. gr. 3, where Nicholas-Nectarius proudly asserts his philological, lexical or hermeneutical interpretations.¹³ Be that as it may, it is clear that the sheer, if isolated, occurrence of Nicholas’ name in the scholium to *Odyssey* 1.21 defines a more ‘authorial’, perhaps more ambitious commentary than a simple transcription of pre-existing exegesis.

Now, among the ‘unusual’ materials that ended up in the margins of Vindob. Phil. gr. 56 we find some *scholienfremde Bestandteile*, mostly matters of grammar and allegory: while the former appear to a certain extent throughout the codex, the allegorical reading of Homer’s lines in a ‘Palaephatean’ key (e.g. rationalising the gods into kings, Athena into a spear and Hermes’ *logos* into a letter) remains confined to the first folia.¹⁴ But on top of this we find here another item, of rhetorical content, which goes well beyond the simple indication of a figure or a trope: when commenting on the repetition of Αἰθίοπες in ll. 23 and 24 of *Odyssey* book 1, the annotator of manuscript Y does not content himself

¹² Sciarra 2005, p. 53–54 and 148–150.

¹³ Pontani 2005, p. 233–235.

¹⁴ On Palaephatean allegory in Byzantium see e.g. Hunger 1954, 41 and 47–48.

with a generic appeal to ἀναφορά or ἐπανάληψις: he resorts to an almost literal (if slightly corrupt) quotation of a paragraph from Ps.-Hermogenes' *De methodo vehementiae*, a very appropriate passage at that, since it quotes precisely the Odyssean lines as the foremost example of one typology of the rhetorical trope at issue:

schol. Y in Od. 1.23 (p. 20, 18–22 Ludwig; om. Pontani): Αἰθίοπας: ἐπανάληψις. γίνεται δὲ ἡ ἐπανάληψις κατὰ τρεῖς τρόπους· ἐπὶ προσώπου συστάσει ἢ διαβολῇ, ἐπὶ ἥθους βεβαιώσει, ἐπὶ πράγματος διδασκαλίᾳ. ἐπὶ προσώπου συστάσει, ὡς ἐνταῦθα 'ἄλλ' ὁ μὲν Αἰθίοπας μετεκίαθε τηλόθ' ἔοντας / Αἰθίοπας, τοὶ διχθὰ δεδαΐαται, ἔσχατοι ἀνδρῶν'. ἐπανελάβε δὲ τὸ ὄνομα, ἵνα δείξῃ ὅτι δύο γένη Αἰθιόπων.

(Ps.) Hermog. *Meth. veh.* 9 (p. 423, 14–424, 2 Rabe): ἐπανάληψις γίνεται κατὰ τρόπους τρεῖς, ἐπὶ πράγματος διδασκαλίᾳ, ἐπὶ προσώπου συστάσει ἢ διαβολῇ, ἐπὶ ἥθους βεβαιώσει. ἐπὶ πράγματος διδασκαλίᾳ, ὡς παρ' Ὀμήρῳ 'ἄλλ' ὁ μὲν Αἰθίοπας μετεκίαθε τηλόθ' ἔοντας / Αἰθίοπας, τοὶ διχθὰ δεδαΐαται, ἔσχατοι ἀνδρῶν'. ἐπανελάβε δὲ τὸ ὄνομα, ἵνα δείξῃ ὅτι δύο γένη Αἰθιόπων.

The scholiast misunderstands Ps.-Hermogenes' classification, and puts the Odyssean example under the wrong heading (the ἐπανάληψις clearly fulfils here a 'didactic' purpose, as the ἵνα δείξῃ clause also suggests).¹⁵ While neither this blunder nor any other textual peculiarity points to special contacts with one or the other family of Ps.-Hermogenes' manuscripts, it is to my mind very likely that this passage of the *De methodo* was not copied as part and parcel of an established exegetical tradition on Homer (this would be almost unparalleled in what we know of ancient Homeric scholarship, and certainly in what we know of the medieval scholia to the *Odyssey*):¹⁶ it was rather embedded in the margins of the codex by the conscious initiative of the scribe and scholiast of our Vindobonensis – whether or not he was the

¹⁵ It seems to me unlikely that this deviation from the source should be intentional and proceed from the scribe's peculiar interest in the 'presentation' of Aethiopians according to their provenance (prompted by the contact with populations of the Southern shore of the Mediterranean? see also the scholium to *Odyssey* 2.11i, p. 99, 6–7 Pontani).

¹⁶ On the delicate issue of the relationship between Homeric scholia and Hermogenes see the conclusive arguments brought by Lehnert 1896 and Lindberg 1977.

same Nicholas commenting on l. 21 –, or by the *concepteur* of its exegetical *corpus*.

Is this reconstruction of an important – if sporadic – act of interest in rhetorical exegesis to Homer, plausible in cultural terms? The place of classical rhetoric in Salentine book production had remained largely unknown until a recent, penetrating inquiry by one of the most attentive young scholars of 13th and 14th-century Apulian scribes, Daniele Arnesano.¹⁷ Following the evolution and the various palaeographical typologies of the so-called ‘Baroque Otrantine handwriting’, Arnesano has assigned to Medieval Salento, an area where grammatical and technical works of all sorts were fairly widespread,¹⁸ a surprisingly limited number of rhetorical manuscripts. Not only oratory itself (the *corpora* of Lysias, Isocrates or Demosthenes) does not surface before the late 15th century, not only Aristotle’s *Rhetoric* was less than popular before that date, but even more common rhetorical treatises – the sort of ‘practical’ handbooks one would expect to be well at home in the schools of Apulia – are conspicuously few.

The few exceptions, however, do chime in with what one might expect to find: Par. gr. 1304 (late 13th century) contains amongst other texts the anonymous *Prolegomena to Rhetoric* (treatise 1 Patillon); Vat. gr. 1408 (early 14th century) carries Aphthonius’ *Progymnasmata* with John of Sardis’ commentary; Par. gr. 2970 is devoted from the outset to the works of the most important theoretician of Greek rhetoric after Aristotle, as it contains Hermogenes’ *Περὶ στάσεων* and *Περὶ εὐρέσεως*. This Parisinus, whose watermarks point to the early years of the 14th century, is the fruit of a team-work by at least eight different scribes, a practice far from unusual in Salentine codices, and denoting the existence of an *atelier*, or of an erudite circle. The palaeographical analysis of the eight hands has led Arnesano to identify in the Parisinus some copyists at work in other codices, amongst them especially George of Aradeo, who also appears in the aforementioned Vatican Aphthonius, where he cooperates with the

¹⁷ Arnesano 2011.

¹⁸ See e.g. Cavallo 1982; Jacob 1980.

so-called ‘Anonymous 11’, the scribe of the aforementioned *Iliad* Vindob. Phil. gr. 49.¹⁹

The first *quaternio* of Par. gr. 2970 (ff. 1r–8v) was written by no less than five different scribes (identified as A to E): copyist A is George of Aradeo, copyist C is the very characteristic ‘Anonymous 13’ (also known as the scribe of Ps.–Trypho’s *Περὶ τρώπων* in Vat. gr. 1276 – another rhetorical work in a miscellaneous codex), copyist D is identical with the ‘Aristotle anonymous C’, who copied manuscripts of philosophical content. Scribes B and E of Par. gr. 2970 are not otherwise known.²⁰ I should like to point out here that scribe B, who wrote a very tiny section of the Parisinus, namely f. 6r (from l. 21) and 6v, shows similarities with both George of Aradeo’s handwriting and with the well-trained scribe (sometimes described as one of the most elegant ones in the whole of Salentine book production)²¹ of Vindob. Phil. gr. 56.

Let me clarify straight away: it is impossible to posit the identification of the hand B of Par. gr. 2970 with the main hand of Vindob. Phil. gr. 56, not only because in the former codex we have little more than one page, but chiefly because some features do not surface in an equal share, more than you would probably expect even from a hand’s evolution over a span of time.²² Yet it is to my mind undeniable that a consistent analogy links these two handwritings under a common morphology: several ligatures of *alpha* occur in both hands,²³ and so do distinctive letters such as high *gamma* with horizontal waving upwards, *delta* linked with the following vowel through a *boucle* of various breadth, narrow

¹⁹ Arnesano 2008, p. 31, 34 and *ad indicem*.

²⁰ Arnesano 2011, p. 98–100. A *specimen* of scribe B is provided by Arnesano in Pl. 3.

²¹ Arnesano 2008, p. 46.

²² I am referring in particular to the shape of *xi*, to minuscule *kappa* and *beta*, to some ligatures such as *epsilon-pi* and *hypsilon-psi*; the Parisinus’ *alpha-csi*, *kappa-tau* or *tau-epsilon-omikron* are not to be found in the Vindobonensis, though *epsilon-iota* and *tau-omikron* (one on top of the other) are fairly frequent in both manuscripts.

²³ I shall refer to Arnesano 2011, Pl. 3 for the Parisinus, and to my own inspection of the Vindobonensis: see e.g. *alpha-phi*, l. 11 Par. and fol. 1, l. 7 Vindob.; *(alpha)-chi-rho*, l. 7 a.i. Par. and fol. 1, l. 5 a.i. Vindob.; *alpha-sigma*, l. 14 and l. 3 a.i. Par., often in Vindob.; *alpha-gamma*, l. 21 Par. and often in Vindob.; *alpha-pi* l. 3, 9, 18 Par. and fol. 169v, l. 4 Vindob.

epsilon and *rho*, narrow *zeta*,²⁴ *theta* mostly open on the left, *my* and *ny* with short initial hook below the line, *pi* and *tau* with *boules* on the left side of their horizontal, *phi* with a small eye just above the body of the letter etc.

It is of course true that it is safer to work on the basis of identical hands rather than on analogies: however, I suggest that consistent (if not conclusive) analogies within the vast realm of the Otrantine baroque style may encourage us to posit a kind of cultural affinity, and bring back two scribes to the same time, area, and graphic education. If this holds true (or is at least likely), then we might surmise: a) that the annotator of the Vienna *Odyssey* might have had at his disposal more Hermogenes than we can ascertain through our extant copies: no Apulian copy of the *De methodo* has surfaced so far, but the evidence of our scholium suggests that it probably existed; b) that the use of Hermogenes to explain Homer's rhetorical features stems from the same 'sodalizio erudito', the same *milieu* of scribes and scholars (keen on Aristotle, but also on poetical texts) that flourished in the area of Aradeo and Gallipoli around 1300, and for whose activity MS Par. gr. 2970 represents an important crossroads.²⁵

In other words, it would be nice to frame the Vienna *Odyssey* within the same 'prassi di scrittura, lettura, contaminazione, fruizione dell'*Iliade* e dell'esegesi scoliastica di età bizantina' described by Sciarra in her book devoted to the Otrantine *Iliads*, and to their sometimes unexpected reworking and autonomous incorporation of passages of lexica or handbooks.²⁶ However isolated, the occurrence of our scholium might lead us to a twofold consideration: on the one hand, about the literary interests of a Salentine circle at the turn from the 13th to the 14th century; on the other, about the real nature of education in Salento, an issue also tackled in a recent, thoughtful essay by Arnesano and Sciarra.²⁷ For a Classicist, all this is essential knowledge in order to assess properly who, when and why produced the unusual intellectual gesture of commenting Homer with fresh rhetorical

²⁴ *Zeta* is identical: l. 4 Par. and fol. 30r, l. 10 a.i.Vindob.

²⁵ Arnesano 2011, p. 101–103.

²⁶ Sciarra 2005, p. 8. The case of Rehd. gr. 26 (p. 44–50) is particularly telling in this respect.

²⁷ Arnesano & Sciarra 2010.

material going well beyond declensions, paradigms and glosses to difficult terms.²⁸

3. *An unpublished lexicon of (mainly) rhetorical terms*

The gigantic manuscript tradition of the so-called lexicon of Zonaras, a remarkable product of Byzantine erudition and probably the most widespread dictionary of the Greek Middle Ages, has been masterfully explored by Mark Naoumides and by Klaus Alpers in the course of their researches on Cyril and Oros respectively.²⁹ In particular, while Alpers has surmised for the lexicon the authorship of the Byzantine scholar Nicephorus Blemmydes (1197-1272),³⁰ Naoumides has identified a 'fuller' version of Zonaras, whose manuscript witnesses he has listed in an Appendix to his seminal article.³¹ A simple check of these codices against the more or less modern catalogues where they are described, shows that the lexicon of 'Zonaras', albeit bulky in and of itself, was often supplemented by a number of minor lexica or glossaries devoted to single authors or works, such as Hesiod's *Works and Days*, Homer's *Odyssey*, the Pauline epistles, the *Psalms*, and the poems of Gregory of Nazianz.³² The same fate occurred to the other, very popular lexicon of the Byzantine Middle Ages, namely the so-called lexicon of Cyril, whose various appendices have been studied and classified by A. Drachmann.³³

Not many of these glossaries (already well known to Tittmann)³⁴ have yet been edited, and most of them await a study that might enable a comparison with the ancient or medieval glossographical tradition of specific authors.³⁵ Even less attention has been devoted so far to related 'thematic' glossaries devoted to

²⁸ For a synthetic, general reappraisal of Homer's role in the codification of Greek rhetorical technique, see Pontani forthcoming.

²⁹ 129 manuscripts are known to Alpers: see Alpers 1981. See also Naoumides 1974; Wilson 1996, p. 221.

³⁰ Alpers 1972, cols. 738-739.

³¹ Naoumides 1974, p. 487.

³² Peculiarly rich collections of such glossaries occur in Par. Coislin gr. 346 and in Monac. gr. 510 (both Planudean age), as well as in Par. gr. 2619.

³³ Drachmann 1936, p. 53-58.

³⁴ Tittmann 1808, p. x-XLIII on the manuscripts, and XIII-XIV on the Dresdenensis.

³⁵ See Matthaei 1774, 59-85 for the glosses to the Pauline epistles. I am cur-

specific disciplines, such as law or botanic: this sort of material is often neglected by editors and philologists alike, and it is no wonder that it sometimes appears scattered in books of *Anecdota* such as Bekker's or Boissonade's. When glossaries do attract attention, it is often because of their *Umfang* and/or because of their references to classical authors: for example in the domain of rhetoric, the λέξεις ῥητορικαί edited by Bekker,³⁶ as well as the *Lexicon Patmense* or the *Lexicon Rhetoricum Cantabrigiense*,³⁷ display an ambition to explain (more in depth the former, rather succinctly the latter) a remarkable number of rhetorical terms and above all technicalities, *hapax* and *Realien* occurring in the *corpus* of 5th and 4th-century Attic oratory.

I shall turn here to a hitherto unknown glossary, which lacks an author, a title and a date. Its manuscript transmission is thin, and relies on just three witnesses of Zonaras' lexicon, to which it represents one of many appendices (the *sigla* are my own):

- V = Vat. gr. 9 (oriental paper, 233 x 165 mm, ff. I + 306, late 13th century) was copied and signed (f. 306v) by Michael Kritakes, a priest and chartophylax on the island of Chios who is not otherwise known: Herbert Hunger has analysed his handwriting as a masterpiece of the so-called *Vernetzung* style,³⁸ though little is to be gleaned on the historical or cultural niveau from his place of origin³⁹ or from his status, for he is no teacher: Sophia Kotzabassi has recently listed Kritakes along with Michael Lulludes as a rare example of a low-brow ecclesiastical personality copying profane texts for his private use in the Palaeologan age;⁴⁰ our lexicon occurs on ff. 304v-305r.

rently including the λέξεις ἐκ τῆς Ὀδυσσεΐας βιβλίου in my edition of the scholia to the *Odyssey*.

³⁶ Bekker 1814, p. 195-318.

³⁷ Latte & Erbse 1965, p. 69-138 and 140-165.

³⁸ Hunger 1995, p. 34 and Pl. 21. *RGK* III (1997), no. 462.

³⁹ Not mentioned in Browning 1986. A nice overview of Chiot book production in Crisci & Degni 2011, p. 215, who remind that several manuscripts of Classical authors (such as Laur. Conv. soppr. 71, with Sophocles and Euripides) were produced on the island in the early 14th century.

⁴⁰ Kotzabassi 2010. Anyway, if a church official such as Michael Eskammatismenos could own in the 1270s a book on rhetoric and the commentary of Doxapatres on Hermogenes (Vat. gr. 207), then it is clear that this interest was not confined to the teachers of profane wisdom but was shared also by the clergy.

- D = Mosq. Dresd. Da. 37 (oriental paper, in 8°, ff. 468, late 13th century) is one of the Vatopedi codices that ended up in Moscow's Synodal library, whence it was donated to Germany by Chr. Fr. Matthaei in the 18th century: it was later sent back to the Soviet Union after the end of World War II, and it is now preserved in Moscow's State Archive, where it keeps its old shelfmark.⁴¹ On palaeographical terms, the *Fettaugen* elements and the conspicuous high *gamma* point to a date in the later years of the 13th century; our lexicon occurs on ff. 440v–441v.
- M = Mutin. α.W.5.5 (= 165 Puntoni: Italian paper, 290 x 215 mm, ff. 245, first half of 15th century) was copied most probably in Italy by four scribes co-operating on different quires;⁴² it was owned and annotated by the learned humanist Andronicus Callistus, and it is framed by some extravagant texts at the end; our lexicon occurs on ff. 206v–207r.

From a philological point of view, the *apparatus criticus* will show that the three manuscripts all share some errors (if, as it seems likely, the errors in § 4 are not to be ascribed to the compiler of the lexicon) and probably derive from a common archetype. It is difficult to assess if M's superior or eccentric readings (especially the ἐκφερομένη in § 1) derive from conjecture (we have seen that M arose and circulated in Quattrocento Italy) or from a different strand of tradition: at any rate, manuscripts D and V are linked by the sheer *Bestand* of their lemmata against the poorer tradition in M (and by a clerical mistake such as § 14, 9 καῖον – M is missing here), though e.g. in § 9 M and V share a common mistake against D; M is also the only witness to the (in itself not very telling, and probably secondary) title: λέξεις ἀναγκαῖαι μερικαί. It is well-known that in this kind of practical, non-authorial texts issues of stemmatic relationships, and searches for 'originals' and 'pristine

⁴¹ See Alpers 1981, p. 25–26. von Gebhardt 1898. Schnorr von Carolsfeld 1882, 292–293. I am grateful to Nina Almazova for help in obtaining reproductions of the manuscript.

⁴² Watermarks: *enclume* 5955 Briquet (1418–53); *mont* type 11689 Briquet (1411–21, but not identical; 11719 is also similar); *balance* type 2415 Briquet (1405–10, but not identical). The first hand writes fols 1–66 (quires α'–ζ'), 75–90v (quires θ'–ι'); the second hand writes fols 67–74 (quire η'), fols 98v (second half)–149v (quires ιβ'–ιη') and 166r (second half)–241r (quires κα'–λ'); a third hand copies fols 91r–98v (quire ια' and first folium of ιβ'), and a fourth one fols 150r–166r (quires ιθ'–first folium of κα').

shapes' are often doomed to failure, wherefore it is best to simply lay out the evidence as we possess it.

Arranged in a very loose alphabetical order (until § 13, with § 10 out of the sequence), and clearly oriented on theoretical issues, this lexicon is focused on the definition of several basic concepts of (the earliest stages of) rhetorical teaching: it thus reminds one of the *facies* of a horistic lexicon.⁴³ From the sheer age and shape of the manuscript witnesses, we might surmise that the glossary under review stems from the general surge in rhetorical studies during the first decades of the so-called Palaeologan Renaissance, an era when the need for fresh oratory and the interest of scholars for rhetorical texts (both old *rhetoires* such as Demosthenes, Aristeides and Libanios, and theoreticians such as Hermogenes and Aphthonius) surfaces in such key figures such as Gregory of Cyprus, Theodore Skutariotes, Maximus Planudes, George Pachymeres, and others.⁴⁴

The genesis of this lexicon in such a distinguished context of learning obviously complicates the identification of sources, which we shall now briefly address. Our text blends materials of different origin: it is indebted above all to common rhetorical works such as the anonymous prolegomena to rhetoric (see esp. §§ 8, 14), the commentaries on Aphthonius' *Progymnasmata* by John Doxapatres (§§ 6 and 11) and John of Sardis (§§ 7, 13, 15), but also scholia and commentaries to Hermogenes' *staseis* (§§ 4, 5): this corresponds to what we might expect in a didactic context, for introductions and handbooks of this kind were very widespread in Byzantium, responding perfectly to an instruction focused on the retrieval of concrete wisdom from ancient theory.⁴⁵ As every reader of these texts knows, the popularity of *progymnasmata* during Late Antique and Byzantine times was so wide that various collections of these elementary exercises were produced;⁴⁶ the most common of these collections, namely the one put together by Aphthonius, earned over the years several

⁴³ See e.g. Cacouros 2003; Rashed 2012.

⁴⁴ Constantinides 2003, p. 46-49; Constantinides 1982b; Fryde 2000, p. 216-217.

⁴⁵ Roueché 2003, 31: theoretical texts on rhetoric 'for the most part... concentrate on giving us theoretical information, with very little indication of the practical realities'.

⁴⁶ To name but a few: Nikolaos of Myra, 4th century; Aphthonios, 4th century; Michael Italikos and Nikephoros Basilakes, 12th century; Theodoros Hexaptery-

commentaries, which often tried to supersede their predecessors by incorporating vast quotations from them.⁴⁷

The result for the modern scholar is puzzling: almost every manuscript carrying these commentaries (often in the form of marginal scholia or paratexts) represents in fact a *recensio sui generis* of different layers of exegetical material.⁴⁸ With few modern and reliable editions available, any attempt to define sources or possible filiations of non-authorial rhetorical material is of course risky, or bound to fail: the *apparatus testimoniorum* of our edition will thus contain only the references that I have been able to single out on the basis of the published material, chiefly (though not exclusively) with the aid of the *TLG* database.

We can confidently assume that the compiler of our lexicon also deliberately included excerpts from works of a slightly different nature, such as Ammonius' *De differentia verborum* (§§ 1 and 9) and the Homeric epimerisms (§ 15) – not to mention §§ 16 and 17, preserved by M alone and derived from Zonaras, John the Damascene and Ps.-Dionysius the Areopagite. Even in these cases, however, the exact provenance of these explanations cannot be defined with certainty, for we must reckon with the circulation of non-authorial 'common material' extracted from other handbooks,

gos, 13th century; Constantine Akropolites and Nikephoros Kallistos Xanthopoulos, 14th century etc.

⁴⁷ Chiefly by John of Sardis in the 9th century; by John Doxapatres in the 11th century; by John Argyropoulos in the 15th century. Hunger 1978, p. 78–79 lists all the commentaries, but on the topic see now Kraus 2007 and 2013. Hermogenes also enjoyed several exegetical works, such as those by Syrianus and Zosimus of Ascalon (5th century), Troilos and Sopatros and Phoibammon and George Monos (5th–6th century), John of Sardis (9th century), Neilos (10th century), John Sikelos and John Doxapatres (11th century), Gregory of Corinth (12th century), Maximus Planudes (13th century): see Hunger 1978, p. 79–86. Indeed, Photius himself was subjugated by the rhetorical and stylistic categories codified by Hermogenes (Wilson 1996, p. 104; and p. 133–34 on Arethas), and so was Eustathius of Thessalonica in the 12th century (Lindberg 1977).

⁴⁸ Rabe 1928, p. xxxi: 'Qui libros scholarum in usum conficiebant vel interpretabantur, non solebant doctrinae testes vetustos, fontes primarios adire. Commentaria, quae centum, quae quinquaginta annis ante composita erant, maximam partem obsoleta videbantur, interim nova exstiterant, magis extenuata ad novae aetatis morem composita; ex vetustioribus ea servabant, quae etiam utilia videbantur ad pueros vel adolescentulos erudiendos. Est quaedam quasi desidia illius generis scriptorum, ut vereantur fontes adire, ubi expedita ad usum et commode tractata in aliis libris inveniunt, quae is sufficere videntur. Quo factum est, ut usque ad saeculum XIV pro numero paucae tantum amplae interpretationum rhetoricarum collectiones describerentur et aetatem ferrent'. See also Hunger 1978, p. 78.

compilations or florilegia, rather than with the compiler's perusal of a specific original text (§ 12 on προήλθεν is a case in point, being attested in another, apparently unrelated Palaeologan lexicon).

Nevertheless, philological analysis can sometimes be of help: for example, the end of § 8 in our lexicon departs from the printed text of its source, the anonymous *Prolegomena to Rhetoric*, and displays a deeper affinity with the epitomised version of that work contained in Vat. gr. 110: the reading πεφύκαμεν οἱ ἄνθρωποι ascribes to human nature the spontaneous tendency to associate in a πολιτεία, which is particularly interesting in view of the political interest pervading the entire lexicon. Another remarkable case is represented by the two definitions of προγύμνασμα in § 6: they could easily be derived from a single passage of John Doxapatres' commentary on Aphthonius, but both of them also appear in one manuscript (V, at the very outset of the treatise) of John of Sardis' commentary on Aphthonius, perhaps the most important handbook that our compiler kept before his eyes.

Philological analysis and source collection are here indissolubly bound together. In fact, when assessing variant readings we must reckon with two conflicting phenomena on the part of the scribes, namely a certain degree of innovation and a certain amount of negligence: is παράκλησις (a term bearing more distinct Christian overtones?) a deliberate change on παραίτησις in the tortuous distinction of § 9? Can the rare adverb ἐνθυμητικῶς be anything more than a blunder for the correct ἐνθυμηματικῶς in § 15? Surely enough, in § 7 the genitive σφοδροτέρως (referred to the soul) is simply a mistake for the accusative σφοδροτέραν (referred to the emotion); but what about the use of ἀπόδοσιν instead of the more obvious and current ἀπόδειξιν in the definition of κεφάλαιον in § 4: is it a mere scribal error? What about the uncomfortable omission of ἐρμηνεία in the definition of clarity at § 13 (and note that ms. V omits the key adjective ἐρμηνευτική in the definition of rhetoric at the outset of § 12)? And does the μερικὸν προγύμνασμα in § 6 represent a new category (John Doxapatres only speaks of a ῥητορικὸν προγύμνασμα, though of course the latter is intended as 'partial' by opposition to the 'general' one)?⁴⁹

⁴⁹ For προγύμνασμα as something μερικὸν see *Anon. intr. in prol. Herm.* 14, p. 290, 9 Rabe, and p. 302, 22 Rabe.

As in many works of this kind, the border between simple mistake and conscious innovation or elaboration is sometimes hard to draw. At any rate, the compiler's intention, however sometimes obscure, must be made responsible at least for the choice of the lemmata: and here, along with a remarkable focus on some specific and rather disparate issues of rhetorical discourse (ἀντίρροησις, παράκλῃσις, προγύμνασμα, πάθος, κεφάλαιον, σαφήνεια, and the less clear δείγμα), and a *penchant* for political vocabulary (δῆμος, πολιτεία), we encounter more extravagant items. Some can be explained within the context of rhetoric itself, as e.g. § 12 προήλθεν (a gloss on the verb of the first sentence of Aphthonius' *progymnasmata* on myth 'proceeding' from poets, also quoted in § 15), and § 16 φυτόν (a slightly revised form of a definition in David's commentary to Porphyry,⁵⁰ a text otherwise largely used by John of Sardis in his commentary on Aphthonius). And two items in this lexicon address in a critical (if not original) manner very crucial and thorny definitions, namely § 14 on rhetoric itself and § 15 on *mythos*. But other lemmata remain entirely unparalleled: the threefold meaning of μέθοδος in § 10 is far from clear, as this term is basically unknown to the lexicographical tradition, and its three alleged meanings seem to proceed from autoschediasm; more important, the definition of πολιτεία in § 8 is mainstream, but one wonders the origin of such a clear-cut and sharp distinction between δῆμος and πλῆθος as we find in § 3: it is interesting to see that a semantic distinction, albeit in a partly different direction, is what has long – if vainly – been looked for in ancient lexica by exegetes of Aristotle's political terminology.⁵¹

To sum up, our lexicon was made up of heterogeneous elements, combining more or less traditional definitions of rhetorical terms with distinctions between synonyms, etymological interests with more broadly lexical ones. It was not compiled

⁵⁰ Itself a step in a tradition dating back at least to Theophr. *Hist. plant.* 1, 3, 1 and to Gal. *Adv. Lycum* 207–8 Wenkebach.

⁵¹ See in particular Keaney 1992, p. 159: 'the distinction between δῆμος and πλῆθος is one of actuality and potentiality, the former referring to a cohesive (and so acting) force, the latter to a potential force of that kind'. See also Ruzé 1984 and Parmentier-Morin 2004, both insisting on Aristotle's use of πλῆθος in the numerical sense of 'majority', 'mass'. A more general reasoned list of meanings is provided by Roncali & Zagaria 1980.

automatically from one single source, even if this does not help better define its genesis and purpose.

The obvious context one can think of is rhetorical instruction: practice of the first four progymnastic exercises was demanded since Roman times to the *grammaticus* rather than to the *rhetor*,⁵² and in the 13th century George of Cyprus was invited by George Akropolites to the consecutive study of Aphthonios, Aristotle and Hermogenes.⁵³ The essential rhetorical background ensured by *progymnasmata* could well be enough for a writer such as Kekaumenos – whose interest in, say, ἀνασκευή (§ 1) and παράδειγμα (§ 4) is beyond doubt –,⁵⁴ and John Doxapatres himself viewed the *progymnasmata* as preliminary to the three basic functions of rhetoric (§ 15), namely the advisory, the forensic and the expository one.

Indeed, Nicephorus Blemmydes clearly states in his autobiography that as a young pupil – he spent in Nicaea in the first two decades after the fall of 1204 – he studied 4 years of basic grammar reading ‘Homer and other poets’, then he passed on to ‘Hermogenes and Aphthonios’:⁵⁵ it should be reminded that Blemmydes is suspected with the authorship of the Zonaras lexicon itself, to which our glossary (amongst others) is generally added in manuscripts by way of appendix.

λέξεις ἀναγκαῖαι μερικαί

tit. M tantum praebet

1. ἀντίρρησις καὶ ἀνασκευὴ διαφέρει· ἀντίρρησις μὲν λέγεται ἢ μετὰ προσώπου εἰς λεπτὰ τομή, ἀνασκευὴ δὲ ὡς ἀπροσώπως ἐκφερομένη καὶ ὅλου ἀνατροπή. DMV

1 ἀντίρρησις bis M 2 καὶ εἰς DV ἀνασκευὴ: ἀνατροπή M ὡς] ἢ M ἐκφερομένου DV καὶ ὅλου] ὅλου (ante ἐκφ. conl.) M

— est Ammon. *diff. voc.* 44, ad verbum (sed haec glossa in hyparchetypo p saeculi xiv ineuntis tantum occurrit, de quo vide Nickau 1966, p. xxi–xxii); de re cf. etiam Nicol. *prog.* 34, 12 Felten etc.

⁵² See Quint. *Inst. or.* 1, 9, 1–4; Conley 1986, p. 349–55; Roueché 2003, p. 30.

⁵³ Constantinides 2003, p. 50.

⁵⁴ Roueché 2003, p. 33–35.

⁵⁵ Heisenberg 1896, p. 112–114.

2. δῆμος καὶ πλῆθος διαφέρει· δῆμος μὲν λέγεται ὁ δυνάμενος χειροτονεῖν καὶ ἀποχειροτονεῖν, πλῆθος δὲ τὸ μηδὲν τούτων διαπραττόμενον. DMV

1 μὲν om. M 2 διαπραττόμενον] δυνάμενον διαπραττειν M

— fontem nescio (fort. e *progymnasmate aliquo*, sicut e.g. *Aphthon. 14*)⁵⁶

3. δείγμα καὶ παράδειγμα διαφέρει· δείγμα μὲν γὰρ λέγεται ἡ τοῦ ὀλίγου πρὸς ὀλίγον ἀντεξέτασις, παράδειγμα δὲ ἡ ὅλου πρὸς ὅλον. DV

1 μὲν om. D

— nusquam verbum δείγμα definitur, sed de *paradigmate* saepe auctores rhetorici (*Aphthon. prog. 10, 31, 18*; *Steph. in art. rhet. 266, 27* Rabe, et vide *Arist. Anal. prior. 69a, 13*; *Rhet. 1357b26*); aliter Jo. in *Herm. de ideis, 123, 15–19* Walz, necnon Jo. Sard. in *Aphth. prog. 47, 10* Rabe

4. κεφάλαιον· μέρος λόγου ἀπόδειξιν ἔχον τοῦ προκειμένου πράγματος ἐκ νοημάτων καὶ ἐπιχειρημάτων συγκείμενον. DMV

1 ἀπόδειξιν cl. testimonii scripsi: ἀπόδοσιν DMV πρᾶγματος cl. Syriano correxi: τάγματος DMV

— Syrian. in *Hermog. stas. 13, 11–12* Rabe = *schol. in Hermog. stas. 4, 62, 7* Walz; fere idem Anon. *prol. in rhet. 6, 33, 8–11* Walz et Jo. *Doxap. prol. in Aphth. prog. 9, 104, 12–13* Rabe (sed ζητήματος pro πράγματος)

5. κοινόν· τινὲς μὲν εἶπον τὸ τῆς οὐσίας ἀπτόμενον. DV

— Anon. in *Hermog. stas. 7, 173, 22* Walz

6. μερικὸν προγύμνασμα· εἰσαγωγικὴ τριβὴ διὰ λόγων τῶν κατὰ ῥητορικὴν μερῶν ἢ εἰδῶν χρήσιμά τινα προασκουμένη. καθόλου δὲ προγύμνασμα ἄσκησις μετρίων πρὸς μειζόνων ἐπίρρῳσιν πραγμάτων. DMV

1 εἰσαγωγή V 2 δὲ om. V 3 ἄσκησις – πραγμάτων] om. D

— Jo. *Doxap. prol. Aphth. prog. 9, p. 143, 23* et *16* Rabe (de ῥητορικὸν et καθόλου προγύμνασμα) et anon. in *Aphth. prog. 11, 168, 8* et *4* Rabe; Jo. Sard. in *Aphth. prog. p. 1* Rabe in apparatu (ms. V)

7. πάθος· πρόσκαιρος κατάστασις ψυχῆς σφοδροτέραν ὁρμὴν ἢ ἀφορμὴν κινουσα. DV

1 πάθος πρόσκαιρος om. D σφοδροτέρας V

— Jo. Sard. in *Aphth. prog. p. 206, 26 – 207, 1* Rabe (ubi κατάστασις ms. W); idem et Anon. *Seg. ars rhet. 6.1* et *223.2* (Neocles) *Spengel-Hammer*; *schol. in Aphth. prog. 2, 646, 24–25* Walz

⁵⁶ Cf. supra n. 51.

8. πολιτεία ἀρχὴ καὶ συνήθεια πράγματος καθ' ἣν καὶ ζῆν καὶ πολιτεύεσθαι πεφύκαμεν οἱ ἄνθρωποι. DV

1 πολιτ[εύ]εσθαι V

— Anon. *prol. in artem rhetoricam* 25, p. 42 Patillon = 4, 40, 2 Rabe (sed πεφύκαμεν οἱ ἄνθρωποι, pro χρὴ πάντας τοὺς βιασθέντας ἢ καὶ πεισθέντας ἀνθρώπους, tantum epitome ms. Vat. gr. 110 praebebat: vide app. Rabe, non tamen Patillon); aliter Jo. Sard. in *Aphth. prog.* p. 145, 8-19 Rabe

9. παράκλησις συμβουλῆς διαφέρει· παρὰκλησις μὲν γὰρ ἐστὶ συμβουλή μηδὲν ἔχουσα ἀμφίβολον, συμβουλή δὲ ἡνίκα τῷ συμβουλευόντι ἀνθίσταται τις. DMV

2 τὸ συμβουλευόν MV

— sim., sed de παραίνεσις, Ammon. *diff. voc.* 455 (unde Suid. p. 499; EGud 514, 55 Sturz), et praes. Ps.-Lib. *char. epist.* 5, 4 Foerster; differentias permultas inter παραίνεσις et συμβουλή enumerat Syrian. in *Herm. stas.* 192, 4-20 Rabe (= *schol. in Herm. stas.* 4, 763, 4-6 Walz), inter quas etiam utrum ἀντιλογίαν ἐπιδέχεται necne

10. μέθοδος τρία σημαίνει· τὴν διδασκαλίαν, τὴν πανουργίαν καὶ τὴν ἀπάτησιν. DMV

1 σημαίνει τρία M ἀπέτησιν V

— fontem nescio

11. προγυμνάσματα εἴρηται προγυμνάσματα παρὰ τὸ εἶναι πρὸ τῶν ἄλλων διδασκαλιῶν τῶν τε εὐρέσεων καὶ τῶν στάσεων πρῶτα τὰ τοιαῦτα. DV

1 προγυμνάσματα] προγυμνάσματα εἴρηται D παρὰ] διὰ D 2 εὐρέων V

— scil. ad Hermogenis libros spectat; nusquam eadem verba, sed de sensu generali cf. Jo. Doxap. *prol. in Aphth. prog.* 9, 137, 14-21 Rabe (et partim 426, 16) Rabe. Vide etiam Anon. in *Hermog. stas.* 7, 168, 16 Walz, ubi progymnasmata ante στάσεις et ιδέαι (non ergο εὐρέσεις) ponuntur

12. προήλθεν τέσσαρα σημαίνει· 'προήλθεν' ἀντὶ τοῦ ἐξήλθεν, ὡς τὸ 'προέλαθετε οἱ κατηχούμενοι' [formula liturgica: cf. Const. Apostol. 8, 6, 58 Moraitis; Epiph. *liturg. praes.* 2, 15 et alibi]. 'προήλθε' καὶ τὸ ἠϋξήθη, ὡς 'ἐπὶ τοσοῦτον ἡλικίας προήλθεν ὁ δεῖνα'. 'προήλθε' καὶ τὸ προέλαβεν, ὡς τὸ 'ὁ δεῖνα τοῦ δεινὸς προήλθε'. 'προήλθε' καὶ ἀντὶ τοῦ ἐγεννήθη, ὡς τὸ 'ὁ μῦθος μὲν ποιητῶν προήλθεν' [Aphthon. *prog.* 1, p. 10, 1 Rabe]. DV

1 σημαίνει δ'· τὸ ἐξήλθε, τὸ ἠϋξήθη, τὸ προέλαβε καὶ τὸ ἐγεννήθη nec plura M δ' σημαίνει D προέλεται οἱ κατοικούμενοι V 4 προέλα[βεν] V

— fere idem fragm. lex. e cod. Par. gr. 3027 (fort. auctore Nic. Gregora), p. 161 Hermann

13. σαφήνεια· ἡ ἐναργής τῶν πραγμάτων διδασκαλία. DV

— Jo. Sard. in *Aphth. prog.* p. 21, 12-13 Rabe (unde *schol.* VI in *Theonis prog.* p. 118 Patillon-Bolognesi), ubi tamen sententia finitur μηδὲν ἐξ ἐρμηνείας ἀμφίβολον ἔχουσα

14. ῥητορική· δύναμις εὐρετική καὶ ἐρμηνευτική μετὰ κόσμου τῶν ἐνδεχομένων πιθανῶν ἐν παντὶ λόγῳ. γίνεται δὲ τὸ πιθανὸν ἀπὸ τεσσάρων· ἀπὸ χρόνου, ἀπὸ τόπου, ἀπὸ λόγου καὶ ἀπὸ πράγματος.

εἶδη δὲ τῆς ῥητορικῆς τρία· πανηγυρικόν, συμβουλευτικόν καὶ δικανικόν. μέρος δὲ τοῦ πανηγυρικοῦ ὁ ἔπαινος καὶ ὁ ψόγος· ἔχει δὲ χρόνον τὸν ἐνεστώτα, τόπον τὴν ἐκκλησίαν, τέλος τὸ καλόν. μέρος δὲ τοῦ συμβουλευτικοῦ τὸ προτρεπτικόν καὶ τὸ ἀποτρεπτικόν· ἔχει χρόνον τὸν μέλλοντα, τόπον τὰ βουλευτήρια, τέλος τὸ συμφέρον. μέρος τοῦ δικανικοῦ κατηγορία καὶ ἀπολογία· ἔχει δὲ χρόνον τὸν παρεληλυθότα, τόπον τὰ δικαστήρια, τέλος τὸ δίκαιον.

ἕκαστον δὲ τούτων τῶν τριῶν εἰδῶν τῆς ῥητορικῆς ἀπὸ τῶν τριῶν μερῶν τῆς ψυχῆς προέρχεται· τὸ πανηγυρικὸν ἐκ τοῦ λογιστικοῦ, τὸ συμβουλευτικὸν ἐκ τοῦ ἐπιθυμητικοῦ, τὸ δὲ δικανικὸν ἐκ τοῦ θυμικοῦ. DV

1 καὶ ἐρμηνευτική om.V 3 καὶ om.V 5 τὸν om.V 8 διακονικοῦ D 10 καίον DV, correxi 12 μερῶν om.V

— definitio rhetoricae (- 2 λόγῳ) est Theodori sive Eudori seu potius Diodori Peripatetici (vide Quint. *Inst. or.* 2, 15, 16): hausit noster ex Anon. *introd. art. rhet.* 2, 14, 13 Rabe sive ex Nicol. *progymn.* 2, 13-14 Felten: vide Schouler 1995, praes. 158-59. De probatione (γίνεται – πράγματος) sim. Jo. Sard. in *Aphth. prog.* p. 5, 15-19 Rabe (qui tamen tempus omittit, et tres fontes tantum enumerat; vide etiam Nicol. *progymn.* 7, 15 – 8, 6 Felten; ex Sard. *schol.* II in *Theon. prog.* p. 113-14 Patillon-Bolognesi)

De generibus rhetoricae (ll. 4-10) ex Anon. *prol. in art. rhet.* 16-21, p. 26-29 Patillon = 4, 33, 16-36 Rabe (quamquam aliter dispositis) hausit noster (distinctio trium generum rhetoricorum pervulgata, cf. Dion. Hal. *Lys.* 16, 7; Hermog. *id.* 1, 1, 53; de characteribus generis panegyrici et symbuleutici et dicanici vide etiam Anon. *introd. in proleg. Hermogenis* 14, 286-87 Rabe; 14, 327, 15 Rabe etc.; Troil. *prol. in Hermog. rhet.* 6, 53, 9-27 Walz etc.; nota προτρεπτικόν et ἀποτρεπτικόν apud Troilum et Clem. Alex. *paedag.* 1, 10, 89 inveniri, alibi potius ἀποτροπή et προτροπή).

De partibus animae (ll. 11-13) vide Anon. *prol. in art. rhet.* 17, p. 37-38 Patillon = 4, 35-37 Rabe (etiam Anon. *introd. in proleg. Hermog.* 14, 286-87 Rabe)

15. μῦθος σημαίνει δύο· τὸν ἀληθὲ λόγον, ὡς καὶ Ὁμηρος ‘ἐμῷ δὲ ἐπαπείθεο μῦθῳ’ [A 565, Δ 412], καὶ τὸν ψευδῆ, ὡς τὸ ‘ὁ μῦθος ποιητῶν μὲν προήλθε’ [Aphthon. *progymn.* 1, p. 10, 1 Rabe]. καὶ ὁ μὲν ἀληθὴς γίνεται ἐκ τοῦ ‘μῦ’ τὸ μανθάνω, ὁ δὲ ψευδὴς ἐκ τοῦ ‘μῦ’ τὸ καμμῦω, οἷονεὶ ὁ ἐσκιασμένως τὸ ἀληθὲς ἔχων.

διαφέρεται ὁ μῦθος εἰς δύο· εἰς ἀλληγορικὸν καὶ πολιτικόν. πόσα παρέρπεται τῷ μῦθῳ; πέντε· γένος ὁρισμός κλήσις εἶδος διαφορά.

ἐπιμύθιον λόγος ὁ πρὸς τῷ μύθῳ εἰσφερόμενος καὶ δηλὼν τὸ ἐν αὐτῷ χρήσιμον, ὅπερ εἰ προθήσεις τοῦ μύθου ὀνομάσεις προμύθιον· ἐκφέρεται δὲ τριχῶς· παραδειγματικῶς, προσφωνητικῶς καὶ ἐνθυμηματικῶς. παραδειγματικῶς μὲν ὡς τὸ ‘οὕτω νεότης πονεῖν οὐκ ἐθέλουσα, περὶ τὸ γήρας κακοπραγεῖ’ [Aphthon. prog. p. 10, 2, 11 Rabe = Aesop. fab. Aphth. 1, 9], προσφωνητικῶς δὲ ὡς τὸ ‘καὶ σὺ ὦ παῖ τῶνδε ἢ τῶνδε ἀπέχου’, ἐνθυμηματικῶς δὲ ὡς τὸ ‘ὁ γὰρ μὴ τόδε ποιῶν κατηγορίας ἄξιος’. DMV

1 ὡς παρ’ Ὀμήρῳ M ἐπιπίθεο D 2 μὲν ποιητῶν] hoc ordine D 5 ἐσκιασμένον temptaverim 6 ὁ μύθος] δὲ M πόσα – πέντε] παρέπεται δὲ τῷ μύθῳ πέντε M 8 ὁ πρὸς] ἐπὶ M φερόμενος M 9 ὅπερ – προμύθιον] om. DV 10 καὶ om. MV 13 παῖ: πᾶς V

— ll. 1-5 de veriloquiis cf. epim. Hom. A 25c2 Dyck (unde Et. Gud. 399, 11 Sturz; Et. Magnum 593, 44; fort. ex Ori. περὶ πολυσημάντων λέξεων, vide app. Dyck), ubi tamen μύω = διδάσκω, non μανθάνω sicut hic et apud schol. Ge A 25 bis, Choer. epim. in Ps. 80, 9 Gaisf. alibi; de mytho vide etiam Jo. Sard. in *Aphth. prog.* 4-5 Rabe

ll. 6-7: de generibus mythi vide Jo. Sard. in *Aphth. prog.* 2, 3, p. 10, 4-5 Rabe (prob. ex Sopatri progymnasmatibus: vide Rabe 1928, p. xxv), sed de quinque partibus fontem nescio (quid ὀρυσμός et κλήσις?).

ll. 8-14: cf. Jo. Sard. in *Aphth. prog.* p. 12, 21 – 13, 6 Rabe, ubi εἰσφερόμενος mss. CVW Sardiani sicut noster, ἐκφερόμενος recte Nicol. prog. 9, 16 – 10, 7 Felten eius fons et schol. IV ad Theon. prog. (p. 115 Patillon-Bolognesi); de eadem re vide etiam Jo. Doxap. hom. in *Aphthon.* 2, 174, 17 et 184, 14 Walz; schol. in *Aphthon. prog.* 2, 576, 1 Walz; Anon. epit. *Aphthon. prog.* 1, 128, 16 Walz

16. φυτὸν εἰς τρία διαιρεῖται· εἰς θάμνον, εἰς πόαν, εἰς δένδρον. καὶ εἰ μὲν χαμαιπετές λέγεται ‘πόα’, εἰ δ’ ὑψιπετές ‘θάμνος’, εἰ δὲ τέλειον εἶη, ‘δένδρον’. DMV

— sim. David in *Porph. isag.* 152, 6 Busse (sed ὑψιπετές est δένδρον, μέσον vero θάμνος); distinctionem tantum (scil. sine graduum explicatione) praebeet Jo. Dam. de animato, PG 95, 229, 39

17. μορφή λέγεται ὡς τῶν μορίων ὑφὴ ἡγουν οὐσία, μόρια δὲ μορφῆς αἱ ὑποστάσεις λέγονται. M

— Zon. 1370, 20

18. αἰὼν σημαίνει εἰ· τὴν ἐκάστου ἀνθρώπου ζωὴν, τὸν ἀριθμὸν τῶν χιλίων ἐτῶν, τὸν παρόντα ὅλον βίον, καὶ τὸν μέλλοντα τὸν ἀτελεύτητον. λέγεται δὲ ‘αἰὼν’ καὶ τὸ συμπαρεκτεινόμενον τοῖς αἰδίοις, οἷόν τι χρονικὸν κίνημα καὶ διάστημα, καθὼ καὶ ‘αἰώνιος’ ὁ θεὸς λέγεται, ἀλλὰ καὶ προαιώνιος· καὶ γὰρ καὶ αὐτὸν τὸν αἰῶνα ὁ θεὸς ἐποίησε. διαφέρει δὲ αἰὼν καὶ χρόνος, ὅτι αἰῶνος μὲν ἴδιον τὸ ἀρχαῖον καὶ τὸ ἀναλλοιώτον (οὐδὲ γὰρ νυξὶ καὶ

ἡμέραις μετρεῖται, ἀλλ' αἰὲν ὡσαύτως ἔχει, χρόνος δὲ καλεῖται ὁ ἐν γενέσει καὶ φθορᾷ καὶ ἀλλοιῶσει καὶ ἄλλοτε ἄλλως ἔχων. M

1 ἐκάστην M

— de quinque sensibus (sed paulo aliter) cf. Et. Gud. 61, 14 de Stefani et Et. Sym. 1, 176, 24 Lasserre-Livadaras; ll. 1-5 τὴν ἐκάστην – ἐποίησε: fere eadem verba Jo. Dam. *expos. Fidei* 15; ll. 5-8 διαφέρει – ἔχων: fere eadem verba Ps.-Dion. *de divinis nom.* 216, 10-15 Suchla

Sources

- K. Alpers (1981), *Das attizistische Lexikon des Oros*, Berlin-New York: de Gruyter.
- I. Bekker (ed., 1814-21), *Anecdota Graeca*, 3 vols., Berlin: Reimer.
- A. Heisenberg (1896), *Nicephori Blemmydae curriculum vitae et carmina*, Leipzig: Teubner.
- G. Hermann (1801), *De emendanda ratione Graecae grammaticae*, I, Lipsiae: Fleischer.
- K. Latte & H. Erbse (eds., 1965), *Lexica Graeca Minora*, Hildesheim: Olms.
- A. Ludwich (1895a), *Allegoriae Homericae ex codice Vindobonensi primum editae*, Regimontii: Hartung.
- C.F. Matthaei (1774), *Glossaria Graeca Minora et alia anecdota Graeca*, Mosquae: typis Universitatis.
- K. Nickau (ed., 1966), *Ammonii qui dicitur liber de adfinium vocabulorum differentia*, Leipzig: Teubner.
- M. Patillon & G. Bolognesi (eds., 1997), *Aelius Théon. Progymnasmata*, Paris: Les Belles Lettres.
- M. Patillon (ed., 2008), *Corpus Rhetoricum. Anonyme, Préambule à la rhétorique. Aphthonios, Progymnasmata. Pseudo-Hermogène, Progymnasmata*, Paris: Les Belles Lettres.
- H. Rabe (ed., 1928), *Ioannis Sardiani Commentarium in Aphthonii Progymnasmata*, Leipzig: Teubner.
- H. Rabe (ed., 1931), *Prolegomenon Sylloge*, Leipzig: Teubner.
- I.A.H. Tittmann (ed., 1808), *Iohannis Zonarae Lexicon*, I, Leipzig: Crusius.
- Chr. Walz (ed., 1832-36), *Rhetores Graeci* (9 vols.), Stuttgart – London – Paris: Cotta – Young – F. Didot.

Bibliography

- K. Alpers (1972), 'Zonarae lexicon', in *RE* 10/A, cols. 732-763.
- D. Arnesano (2008), *La minuscola 'barocca'*, Galatina: Congedo.
- D. Arnesano (2011), 'Ermogene e la cerchia erudita', in N. Bianchi (ed.), *La tradizione dei testi greci in Italia meridionale*, Bari: Edipuglia, p. 95-111.
- D. Arnesano & E. Sciarra (2003), 'L'attività del copista Nicola di Gallipoli e la tradizione manoscritta dell'Iliade in terra d'Otranto', in *Segno e testo*, 1, p. 257-307.
- D. Arnesano & E. Sciarra (2010), 'Libri e testi di scuola in Terra d'Otranto', in L. Del Corso & O. Pecere (eds.), *Libri di scuola e pratiche didattiche dall'antichità al Rinascimento*, II, Cassino: Edizioni dell'Univ. di Cassino, p. 425-473.
- R. Browning (1986), 'Greek Manuscripts in Medieval and Renaissance Chios', in J. Boardman & C.E. Vaphopoulou-Richardson (eds.), *Chios: a Conference at the Homereion in Chios, 1984*, Oxford: Oxford University Press, p. 43-53 (= Id., *History, Language and Literacy in the Byz. World*, Northampton 1989, nr. XIV).
- M. Cacouros (2003), 'Le lexique des définitions relevant de la philosophie, du Trivium et du Quadrivium compilé par Néophytos Prodromenos', in P. Volpe Cacciatore (ed.), *L'erudizione scolastico-grammaticale a Bisanzio*, Napoli: d'Auria, p. 165-220.
- G. Cavallo (1982), 'La cultura italo-greca nella produzione libraria', in *I Bizantini in Italia*, Milano: Scheiwiller, p. 495-612 (repr. from Id., 'La trasmissione scritta della cultura greca antica in Calabria e in Sicilia tra i secoli X-XV. Consistenza, tipologia, fruizione', in *Scrittura e Civiltà* 4, 1980, p. 155-245).
- G. Cavallo (1989), 'Lo specchio omerico', in *Mélanges de l'École Française de Rome* 101, p. 609-627.
- T. Conley (1986), 'Byzantine Teaching on Figures and Tropes: An Introduction', in *Rhetorica* 4, p. 335-374.
- T. Conley (1990), *Rhetoric in the European Tradition*, Chicago and London: The University of Chicago Press.
- C.N. Constantinides (1982a), *Higher Education in Byzantium in the 13th and 14th centuries*, Nicosia: Zavallis Press.
- C.N. Constantinides (1982b), 'The scholars and their books in the late thirteenth century', in *Jahrbuch der Österreichischen Byzantinistik* 32, p. 13-21.
- C.N. Constantinides (2003), 'Teachers and students of rhetoric in the late Byzantine period', in Jeffreys 2003, p. 39-53.
- E. Crisci & P. Degni (2011), *La scrittura greca dall'antichità all'epoca della stampa. Una introduzione*, Roma: Carocci.

- A. Drachmann (1936), *Die Überlieferung des Cyrillglossars*, København: Levin and Munksgaard.
- E. Fryde (2000), *The Early Palaeologan Renaissance*, Leiden: Brill.
- H. Hunger (1954), 'Allegorische Mythendeutung in der Antike und bei Johannes Tzetzes', in *Jahrbuch der Österreichischen Byzantinischen Gesellschaft* 3, p. 35-54.
- H. Hunger (1961), *Katalog der griechischen Handschriften der Österreichischen Nationalbibliothek*, I, Wien: Prachner.
- H. Hunger (1972), *Aspekte der griechischen Rhetorik von Gorgias bis zum Untergang von Byzanz*, Wien: Akad. der Wissenschaften.
- H. Hunger (1978), *Die hochsprachliche profane Literatur der Byzantiner*, I, München: Beck.
- H. Hunger (1995), 'Elemente der byzantinischen Urkundenschrift in literarischen Handschriften des 12. und 13. Jahrhunderts', in *Römische Historische Mitteilungen* 37, p. 27-40.
- A. Jacob (1980), 'Culture grecque et manuscrits en Terre d'Otrante', in P.F. Palumbo (ed.), *Atti del III Congresso internazionale di studi salentini e del I Congresso storico di Terra d'Otranto* (Lecce, ottobre 1976), Lecce: Centro Studi Salentini, p. 51-77.
- A. Jacob (1998), 'Une épigramme de Palaganus d'Otrante dans l'Aristénète de Vienne et le problème de l'Odyssée de Heidelberg', in *Rivista di Studi Bizantini e Neoellenici* n.s. 25 (35), p. 185-203.
- E. Jeffreys (ed., 2003), *Rhetoric in Byzantium*, Aldershot: Ashgate.
- J.J. Keaney (1992), *The Composition of Aristotle's Athenaion Politeia*, Oxford: Oxford Univ. Press.
- S. Kotzabassi (2010), 'Kopieren und exzerpieren in der Palaiologenzzeit', in A. Bravo García & I. Pérez Martín & J. Signes Codoñer (eds.), *The legacy of Bernard de Montfaucon: Three Hundred Years of Studies on Greek Handwriting*. Proceedings of the Seventh International Colloquium of Greek Palaeography, Madrid – Salamanca, 15-20 September 2008, Turnhout: Brepols, p. 473-482.
- M. Kraus (2007), 'Aphthonius and the Progymnasmata in Rhetorical Theory and Practice', in D. Zarefsky & E. Benacka (eds.), *Sizing Up Rhetoric*, Long Grove (IL): Waveland Press, p. 52-67.
- M. Kraus (2013), 'Progymnasmata and Progymnasmatic Exercises in the Medieval Classroom', in J. Feros Ruys et al. (eds.), *The Classics in Medieval and Renaissance Classroom*, Turnhout: Brepols, p. 175-197.
- G.L. Kustas (1972), *Studies in Byzantine Rhetoric*, Thessalonike: Patriarchal Institute for Patristic Studies.
- G. Lehnert (1896), *De scholiis ad Homerum rhetoricis*, Leipzig: Hoffmann.
- G. Lindberg (1977), *Studies in Hermogenes and Eustathios*, Lund: J. Lindell.

- A. Ludwich (1895b), 'Die Homerdeuterin Demo', in *Festschrift L. Friedländer*, Leipzig: Teubner, p. 296-321.
- A. Markopoulos (2006), 'De la structure de l'école byzantine', in B. Mondrain (ed.), *Lire et écrire à Byzance*, Paris: Centre d'Histoire et Civilisation de Byzance, p. 85-96.
- M. Naoumides (1974), 'The Shorter Version of Ps.-Zonaras' Lexicon', in: *Serta Tiryiniana*, Urbana (IL): Univ. of Illinois Press, p. 436-487.
- E. Parmentier-Morin (2004), 'Recherches sur le vocabulaire politique d'Aristote: δῆμος et πλῆθος dans la *Constitution d'Athènes* et dans le livre III de la *Politique*', in *Ktéma* 29, p. 95-108.
- F. Pontani (2005), *Sguardi su Ulisse*, Roma: Edizioni di Storia e Letteratura.
- F. Pontani (forthcoming), 'Inimitable Sources: Canonical Texts and Rhetorical Theory in the Greek, Latin, Arabic and Jewish Traditions', in A. Grafton & G.W. Most (eds.), *Canonical Texts and Scholarly Practices*, Cambridge: Cambridge Univ. Press.
- M. Rashed (2012), 'Les définitions d'Aquilius', in *Bulletin of the Institute for Classical Studies* 55, p. 131-172.
- RGK (1981-1997): E. Gamillscheg & D. Harlfinger & H. Hunger, *Repertorium der griechischen Kopisten*, 3 vols., Wien: Verlag der Österreichischen Akademie der Wissenschaften.
- R. Roncali & C. Zagaria (1980), 'Lessico politico – πλῆθος', in *Quaderni di storia* 12, p. 213-221.
- C. Roueché (2003), 'The Rhetoric of Kekaumenos', in Jeffreys 2003, p. 23-38.
- F. Ruzé (1984), 'Plethos, aux origines de la majorité politique', in *Aux origines de l'hellénisme. Hommage à H. van Effenterre*, Paris: Centre National des Lettres, p. 247-63.
- F. Schnorr von Carolsfeld (1882), *Katalog der Handschriften der Königl. öffentlichen Bibliothek zu Dresden*, I, Leipzig: Teubner.
- B. Schouler (1995), 'La rhétorique dans l'enseignement byzantin', in *Byzantion* 65, p. 136-175.
- E. Sciarra (2005), *La tradizione degli scholia iliadici in Terra d'Otranto*, Roma: Accademia Nazionale dei Lincei.
- V. Valiavitcharska (2013), 'Rhetoric in the Hands of the Byzantine Grammarian', in *Rhetorica* 31, p. 237-260.
- O. von Gebhardt (1898), 'Christian Friedrich Matthaei und seine Sammlung griechischer Handschriften', in *Centralblatt für Bibliothekswesen* 15, p. 345-357; 393-420; 441-482; 537-566.
- N.G. Wilson (1996²), *Scholars of Byzantium*, London: Duckworth.

MARIELLA MENCHELLI

Pisa

OSSERVAZIONI SULLE FORME
DELLA LETTURA DI PLATONE
TRA GLI ERUDITI BIZANTINI
E SULLA TRASMISSIONE DEL TESTO
DELLA APPENDIX DEGLI APOCRIFI
DEL CORPUS PLATONICO

(CON NOTE PALEOGRAFICHE
SUL VAT. PAL. GR. 173 E SUL VAT. PAL. GR. 174)

In calce alla raccolta dell'opera completa di Platone, nei testimoni medievali più antichi, della rinascenza macedone, compare l'*Appendix* degli spuri, di seguito raramente trascurata nelle copie bizantine dei dialoghi, pur raccolti e/o annotati talvolta in maniera autonoma da copisti e lettori. Nella dialettica tra raccolta tetralogica e circolazione delle brevi opere apocrife che ad essa si accompagnano, è a queste ultime che sono dedicate le presenti note, in particolare in relazione ad alcuni testimoni e/o fenomeni che possono risultare significativi per la storia degli studi platonici a Bisanzio.

1. *L'Appendix e il Par. gr. 1807 (A),
il Vat. gr. 1 (O), il Vat. Pal. gr. 173 (P)*

L'*Appendix* degli spuri concordemente ritenuti tali nell'antichità in rapporto al corpus tetralogico, secondo la testimonianza di Diogene Laerzio III, 62, comprendeva numerosi titoli tra i quali l'*Erissia*, l'*Alcione*, gli *Acefali*, il *Sisifo*, l'*Assioco*, il *Demodoco*:¹

νοθεύονται δὲ τῶν διαλόγων ὁμολογουμένως Μίδων ἢ Ἴπποτρο-
φος, Ἑρυσίας ἢ Ἑρασίστρατος, Ἀλκύνων, Ἀκέφαλοι, Σίσυφος,
Ἀξίοχος, Φαίακες, Δημόδοκος, Χελιδών, Ἑβδόμη, Ἐπιμενίδης.

¹ Cfr. per la discussione Carlini 2005, p. 25-35, con rimando a Brisson 1992, p. 3698-3721, ed altra bibliografia citata.

In Diogene si aggiungeva altresì per l'*Alcione* che l'autore del dialogo sarebbe stato un certo Leone, secondo la testimonianza di Favorino nel quinto libro dei Commentari: ὧν ἡ Ἀλκυὼν Λέοντός τινος εἶναι δοκεῖ καθά φησι Φαβωρίνος ἐν τῷ πέμπτῳ τῶν Ἀπομνημονευμάτων. La notizia trova corrispondenza in Ateneo 11, 506c dove si dice che l'*Alcione* è di Leone Accademico come attesta Nicia di Nicea (ὥς καὶ ἡ Ἀλκυὼν Λέοντός τοῦ Ἀκαδημαϊκοῦ ὥς φησι Νικίας ὁ Νικαεὺς), con ogni probabilità fonte dello stesso Favorino.² Gli studi di Müller hanno del resto sottolineato il rapporto degli spuri con l'Accademia e, secondo Müller, con un genere letterario del dialogo breve ivi praticato al quale devono essere ricondotte queste brevi opere (ambientazione scarna, paesaggio quasi inesistente, interlocutore sovente anonimo accanto a Socrate), nuovamente prese in esame con il recente convegno di Würzburg, che ne ha ribadito l'interesse.³

La circolazione antica delle opere di Platone attesta la fortuna dei dialoghi spuri attraverso la diffusione nei testimoni diretti provenienti dall'Egitto della letteratura apocriфа dell'*Appendix* nei molteplici livelli della produzione libraria.⁴

Alla fine dell'antichità appartiene inoltre la breve trattazione dedicata all'*Appendix* nei *Prolegomena* anonimi del VI secolo: vi si afferma che tutti concordano nel ritenere spuri il *Sisifo*, il *Demodoco*, l'*Alcione*, l'*Erissia* e le *Definizioni* – Πάντες τοίνυν κοινῶς ὁμολογοῦσι νόθους εἶναι τὸν Σίσυφον καὶ τὸν Δημόδοκον καὶ τὴν Ἀλκυόνα καὶ τὸν Ἐρυξίαν καὶ τοὺς Ὅρους –, un contenuto dell'*Appendix* assai più ridotto rispetto a Diogene ma anche rispetto alla successiva tradizione medievale.⁵

In appendice al corpus platonico dei manoscritti medievali circola di fatto una raccolta dei dialoghi spuri in parte corrispondente ai dialoghi sopra elencati: al termine della IX tetralogia, nel secondo tomo del corpus platonico, rappresentato dal Par. gr. 1807 (A), di mano del copista I della collezione filosofica

² Cfr. anche Dillon 2010.

³ Cfr. Müller 1975; Döring & Erler & Schorn 2005.

⁴ Per i papiri dei dialoghi dell'*Appendix* cfr. CPF 1999 e Carlini 2005. Cfr. inoltre Luzzatto 2010, p. 87-92, per la pergamena del IV secolo P. Vindob. G 39846 contenente *Erissia* e *Demodoco*.

⁵ Cfr. ancora Carlini 2005; Westerink 1990.

(Pl. 1),⁶ compare l'*Appendix*, organizzata secondo una successione che diverrà canonica: dopo le *Definizioni*, i sette νοθεύόμενοι sono *Sul giusto* e *Sulla virtù* (nei quali si è proposto di individuare gli *Acefali* di Diogene Laerzio),⁷ *Demodoco*, *Sisifo*, *Alcione*, *Eriisia*, *Assioco*.

Dopo A, la raccolta dell'*Appendix* contenuta nel Par. gr. 1807 viene trascritta nel Vat. gr. 1 (O), degli inizi del secolo X, codice indipendente accanto ad A per la prima parte delle *Leggi*, con le quali si apre il manoscritto attuale, e copia assai antica di A da *Leggi* V 746b8:⁸ O contiene gli spuri sempre al termine della IX tetralogia nello stesso ordine di A ma è ora mutilo, oltre che di una consistente parte iniziale,⁹ anche della parte finale, e si interrompe con l'inizio dell'*Assioco* (Ax. 364b2 τῆς εὐθὺ ὁδοῦ ἀπαν[]).

Come A, il codice O è al tempo stesso ricco di annotazioni marginali: per gli *Spuri* in particolare la mano O³, che viene a ragione identificata con la mano corretttrice A³ del Par. gr. 1807, si aggiunge in O come testimone assai prezioso della lettura bizantina del corpus platonico e ci restituisce al tempo stesso la personalità di un copista del X secolo, che nella scrittura informale propria degli eruditi costantinopolitani ha integrato lunghi passi del testo nei libri centrali delle *Leggi* e segnalato varianti tratte da fonti perdute.¹⁰

⁶ La mano I della collezione trascrisse diversi codici: il Paris, BNF, gr. 1807; il Firenze, BML, Plut. 80.9 + Città del Vaticano, BAV, Vat. gr. 2197; il Par. Suppl. gr. 921 *scriptio inferior*; il Paris, BNF, gr. 1962; il codice di Heidelberg Pal. gr. 398; il codice di Venezia, BNM, Marc. gr. 246. Cfr. Mondrain 2008, p. 117 n. 10 per la *scriptio inferior* del Paris, BNF, Suppl. gr. 921 e la sua attribuzione alla collezione, con bibliografia. Sul Paris, BNF, gr. 1807 cfr. ora Saffrey 2007; sulla collezione e le sue fonti cfr. Cavallo 2007; Ronconi 2008. Sulla circolazione dei codici cfr. Irigoin 1981, p. 92-93; sulla tarda riutilizzazione dei manoscritti della collezione stessa cfr. Mondrain 2008, in particolare p. 112-117. Desidero ringraziare Filippo Ronconi per l'invio di due suoi preziosi contributi in corso di stampa.

⁷ Per la discussione cfr. già Alline 1915, p. 36 n. 1, p. 117 n. 2; Müller 1975, p. 39 n. 1; Carlini 2005. Müller riconduce agli *Acefali* anche *Demodoco* II, III, IV vale a dire alcuni dei diversi scritti traditi come *Demodoco* nel corpus medievale.

⁸ Cfr. soprattutto Irigoin 1985-1986. O è stato attribuito alla mano principale del Par. gr. 2935 di Demostene: cfr. Wilson 1960.

⁹ La mutilazione iniziale di O (con caduta delle tetralogie VII e VIII) è stata studiata da Lenz 1933.

¹⁰ Per la terza mano corretttrice di O (e sulla terza mano corretttrice del Par. gr. 1807) cfr. anche Moore Blunt 1985; Luzzatto 2008, p. 34-36. In O non è presente negli spuri la quarta mano corretttrice, sulla quale cfr. soprattutto Luzzatto 2008. Sulle informali cfr. Cavallo 2000; Orsini 2006; Orsini 2008.

Sempre nel pieno decimo secolo stralci dagli scolii agli *Spuri* compaiono nel Vat. Pal. gr. 173 (P), che trascrive in calce alla sua lunga terza sezione, comprendente una rilettura di Platone a iniziare dall'*Eutifrone*, alcuni dei *marginalia* a *Sisifo*, *Alcione*, *Erisia*, *Assioco* e il testo delle *Definizioni*. P è codice di contenuto singolare.¹¹ Testimone indipendente della terza famiglia per i dialoghi in essa contenuti,¹² presenta in aggiunta le opere del secondo tomo, risalendo al Par. gr. 1807 (A) sia negli estratti dalla *Repubblica*, secondo gli studi di G. Boter, sia negli estratti dal *Timeo*, secondo lo stemma codicum di G. Jonkers.¹³ Per la IX tetralogia P veniva considerato indipendente da Post, ma già Post esprimeva un giudizio di valore limitativo per il codice.¹⁴ Di fatto P è la prima 'antologia' platonica, in tradizione diretta, che presupponga l'intero corpus, compresi gli spuri dell'*Appendix*.

2. Nota paleografica e bibliologica sulla terza parte di P

Dopo la trascrizione dell'opera completa nei grandi esemplari di biblioteca di IX-X secolo, P costituisce pertanto un testimone

¹¹ Dopo i sei dialoghi completi iniziali (l'*Apologia* di Socrate, il *Fedone*, l'*Alcibiade* I, il *Gorgia*, il *Menone* e l'*Ippia Maggiore*) compare nel codice una serie di estratti lunghi (dal *Teeteto*, dal *Simposio*, dal *Fedro*, dal *Timeo*, dal *Protagora*, con alcuni passi dalla *Repubblica* e dalle *Leggi*, fino alle *Lettere*), mentre nella terza sezione del manoscritto, solidale con le prime due, segue la serie di estratti brevi.

¹² Il codice ha avuto tuttavia fortuna alterna nelle edizioni a stampa. Nella edizione Oxoniense delle tetralogie I e II viene ora registrato anche per dialoghi della terza sezione, quali il *Cratilo*, dai quali P trae *excerpta* assai brevi, cfr. Duke & Hicken & Nicoll & Robinson & Strachan 1995.

¹³ Cfr. infra. La presenza di A tra gli eruditi del X secolo sembra accertata dalla presenza sul codice della mano A³, identificabile come si è detto con O³, del decimo secolo. Nel pieno decimo secolo risulta ugualmente annotato il Laur. Plut. 80.9 che contiene i commenti di Proclo alla *Repubblica* (contenuta a sua volta nel codice Par. gr. 1807) e che sulla base dei *marginalia* (almeno nella sua sezione fiorentina) sembra essere stato letto e annotato soltanto nel secolo X per poi scomparire fino all'approdo in Occidente, secondo un destino comune ad altri codici della collezione, cfr. Irigoin 1981.

¹⁴ Cfr. Post 1934, p. 75: «in Pc 70,74 Schanz derives it from W but in Platonis opera IX, XVII, n. 1 makes it only a near relation of W». E ancora, Post 1934, p. 46-47: «Its readings have little value; it is frequently transposed and adapted to an extent that makes it untrustworthy»; p. 74: «an independent source of little value»; secondo Post P è «Too freely paraphrased to be useful. Independent of A and O». Des Places lo ha accolto in apparato almeno per gli estratti dal V e dal IV libro delle *Leggi*, già collazionati da Bekker, su cui cfr. Post 1934, p. 46.

del tutto ‘nuovo’, il primo esempio medievale di raccolta/fruizione dei dialoghi di Platone.

P è un manoscritto di formato ridotto, copiato da una sola mano in una corsiveggiante o informale ricca di abbreviazioni.¹⁵ L'aspetto materiale, la qualità media della pergamena, la preparazione semplice nelle operazioni di rigatura e l'ornamentazione inesistente, la scrittura, una informale minuta e arrotondata, inclinata a destra, dal ductus corsivo, nella quale le abbreviazioni interessano il corpo stesso delle parole, sono tutti elementi che insieme ai contenuti vengono a costituire un quadro armonico del manufatto e della personalità dello scriba di P.¹⁶ Il codice P appare come il frutto di una operazione che si inserisce nella cultura di ‘raccolta’, a Bisanzio.¹⁷ Il copista ha posto alla fine del suo libro scoli, sentenze, immagini – con alcuni passi più lunghi dalla *Repubblica* e dalle *Leggi*, quasi ignorate nelle due sezioni precedenti – modificando talvolta il testo in maniera significativa (con un taglio opportuno per eliminare una corruttela, oppure omettendo le battute dialogiche) presumibilmente per avere una ‘antologia’ di Platone per suo uso personale. Quasi inevitabile è il richiamo a figure ora meglio conosciute della Costantinopoli del secolo X, in primo luogo l'Anonimo di Londra,¹⁸ che nella Ep. 53 descrive la propria scrittura come minuta, arrotondata, in contrapposizione alla scrittura dei copisti di professione,¹⁹ e nella Ep. 88 rivendica la propria attività di correzione e di intervento sui testi.²⁰ Intorno ai μαίστωρες compaiono cerchie di allievi loro corrispondenti, e più d'uno degli allievi dell'Anonimo avrebbe esercitato, come lui stesso, l'attività di copia.²¹ Per il codice P, se

¹⁵ Per la datazione del codice cfr. Menchelli 1991; Menchelli 1996, p. 140-141.

¹⁶ Cfr. già Carlini 1972, p. 173: «di piccolo formato, ricchissimo di abbreviazioni, questo codice appare come una copia per uso privato, quasi un “testo di lavoro”».

¹⁷ Cfr. Odorico 1990.

¹⁸ Cfr. Markopoulos 2000.

¹⁹ Sulla Ep. 53 dell'Anonimo cfr. anche Orsini 2005, in particolare p. 243-245.

²⁰ Sulla Ep. 88 cfr. anche Markopoulos 2000; Cortassa 2001.

²¹ La descrizione della propria scrittura, nella Ep. 53, abilmente scandita nei due momenti propri della analisi paleografica, impressione d'insieme da un lato, e forme delle lettere dall'altro, compare all'interno di una rappresentazione consapevole delle abitudini e dei mestieri dell'editoria costantinopolitana. Lo scriba di P è d'altro canto in grado di operare come copista, quando trascrive il Par. gr.

l'attribuzione paleografica intorno alla metà del secolo X colloca il manoscritto nella temperie degli excerpta costantiniani, una connessione con ambienti eruditi dediti anche all'insegnamento, pur con la dovuta cautela, potrebbe forse meglio spiegare la costituzione di una antologia di studio, o d'uso, quale appare lo stesso codice Palatino.²²

Nel codice gli spuri, compresi nella selezione finale di P, figurano sul f. 160r. Come per gli altri dialoghi anche nell'*Appendix* P opera autonomamente rispetto agli scolii: è particolarmente evidente nel caso dell'*Assioco*, dove desume termini dal testo, per poi glossarli con la nota marginale. Sempre nell'*Assioco* P muta almeno in un caso l'ordine degli scolii. Per l'*Alcione* P registra in forma abbreviata il lungo scolio di A e di O che richiama la *Historia Animalium* di Aristotele:²³

ἀλκυόν: ὄρνις ἴση στρουθῷ χροιάν δὲ ποικίλῃ, ῥάμφος ἔχουσα
λεπτόν ἐπιμήγεσ χλωρόν, διατῆται παρὰ τοὺς σικελικοὺς αἰγια-
λοὺς, χειμῶνι δὲ νεωπτεύουσα μέσῳ ἔχει τὸ πέλαγος νήνεμον P
f. 160r (cf. W.C. Greene, *Sch. Plat.*, p. 406–407).

Nel caso dell'*Alcione* viene inoltre trascurata una nota lessicografica presente in A ed in O: il solo passo trascritto da P è desunto dal lungo scolio citato, a conferma della molteplicità di interessi del copista di P, che raccoglie materiale lessicografico ma anche sentenzioso e paradossografico, accanto a brani di testo. La trascrizione della parte finale di P non è dunque mossa da interesse meramente linguistico o limitato all'apparato scoliastico lessicografico, e un altro criterio deve essere sotteso alla operazione di raccolta.

Anche nel caso di altri lunghi dialoghi platonici, soltanto scolii o poche espressioni aggiuntive vengono registrate nella terza sezione di P,²⁴ e la libertà nella lettura e nell'ordine del materiale si

1665 di Diodoro Siculo, e forse più propriamente come filologo e restauratore, quando integra il Par. gr. 1678 di Plutarco.

²² Sui problemi posti da raccolte d'uso e/o raccolte scolastiche a Bisanzio cfr. Bianconi 2010.

²³ Cfr. Greene 1938, p. 406–407.

²⁴ Né risulta sempre chiara la modalità di lettura del testo per trarne soltanto brani di tale brevità. La prima selezione contenuta in P, di opere complete, si iscrive nelle iniziative di trascrizione di scelte dal corpus, che saranno frequenti nell'età dei Paleologi ma rilevabili a Bisanzio già con il Tubingensis Mb 14, del

registra fin dall'inizio della terza serie delle selezioni. Se si considerano i dialoghi delle prime tetralogie, brevissimi sono gli scolii e i passi tratti dall'*Eutifrone*, assente l'*Apologia* perché presente in P in forma completa nella prima parte, una sola frase estrapolata dall'intero dialogo per il *Critone*, assente il *Fedone* perché presente in forma completa nella prima selezione; della seconda tetralogia presente il *Cratilo* con le etimologie, soltanto brevi passi e scolii da *Teeteto* (presente anche nella seconda sezione) *Sofista* e *Politico*; soltanto brevi passi dal *Parmenide*, dal *Filebo*, e per *Simposio* e *Fedro* selezioni ampie nella seconda sezione. Dei dialoghi citati, in particolare dal *Critone* P ha tratto soltanto, sul f. 147r, rigli 15-16, la frase di *Crit.* 44c, in P τίς ἂν αἰσχύων εἴη δόξα ἢ δοκεῖν χρήματα περὶ πλείονος ποιέισθαι ἢ φίλους, che ha il sapore di una sentenza, mentre nel caso del *Cratilo* (presente sul f. 147v) la scelta sembra confermare l'interesse linguistico dell'*excerptor* per l'opera platonica, suggerito già da alcuni scolii. Se si considerano gli estratti dal *Filebo* nel loro complesso, che compaiono sul f. 149r di P, rigli 1-10, essi presentano la commistione, propria di P nella sua terza sezione, tra brani di testo e scolii, che si susseguono con impaginazione continua, come appunti di lettura trascritti in maniera consequenziale. Il primo passo trascritto è una sentenza: *Phil.* 19c καλὸν μὲν τὸ ξύμπαντα γινώσκειν τῷ σώφρονι· δεῦτερος δ' εἶναι πλοῦς δοκεῖ μὴ λανθάνειν αὐτὸν αὐτόν. Il passo viene segnalato in margine in B, lo stesso W segnala in margine la presenza della sentenza e T contiene lo scolio correlato. Il secondo passo presente in P è uno scolio: Sch. 30e, al termine γενοῦσθης.²⁵ Segue la definizione di λήθη, tratta dal testo a 33e3 λήθη ἐστὶ μνήμης ἔξοδος alla quale corrisponde in W, T, B, la annotazione marginale ὄρος λήθης, e, da 34 a 10, la definizione μνήμη δὲ ἐστὶ σωτηρία

secolo XI. La seconda selezione, di estratti ampi, conserva per il lettore brani consistenti dell'opera platonica antologizzata dall'anonimo scriba: per esempio, nel caso del *Protagora*, compare in P la lunga sezione del mito contenuto nel dialogo. Forme di selezione analoghe sono altrimenti attestate: per Platone è particolarmente significativo a questo proposito il Bruxellensis 11360-63 della prima metà del secolo XIV, attribuito alla mano di Matteo di Efeso, contenente lunghi brani di diverse opere e, tra gli spuri, soltanto *Assioco* e *Alcione*. Al contrario, la terza parte di P presenta una selezione assai più rapida.

²⁵ Ficino includerà la esegesi dello scolio nella sua traduzione, come ha osservato Berti 1996, p. 118 n. 49. B non ha lo scolio ma non ha neppure questa lezione: B ha il testo corretto accolto da Burnet, e da Diès. Per lo scolio a 30e cfr. Cufalo 2007.

αισθήσεως, ancora una definizione correlata all'indicazione sui margini degli altri testimoni primari.²⁶ Di seguito compare nel Palatino l'estratto dal testo con l'immagine dell'anima come libro, 38e12-39 a 7, all'interno del quale il contesto dialogico viene soppresso in P, come accade anche in altri estratti del codice:

Βιβλίῳ τινι προσέεικεν ἡμῶν ἡ ψυχὴ· ὅταν γοῦν ἡ μνήμη ταῖς αἰσθήσεσι ξυμπάπτουσα εἰς ταῦτόν ᾗ περὶ ταῦτα ἐστὶν τὰ παθήματα γράψῃ, δόξα τε ἀληθείης τοῦτο τὸ πάθημα καὶ λόγοι ἀπ' αὐτοῦ ξυμβαίνουνσι ἀληθεῖς ἐν ἡμῖν γιγνόμενοι· ψευδὴς δὲ ὅταν τάναντία τοῖς ἀληθέσιν γράψῃ.²⁷

Concludono la selezione lo scolio a 56c e lo scolio a 56e entrambi presenti anche in W e in T.²⁸

L'interesse per le immagini attestato dall'immagine dell'anima-libro si conferma per esempio negli ampi estratti dalla *Repubblica* della terza sezione di P, che comprendono il lungo passo sul tiranno, segnalato in margine, con di seguito il passo sulla dialettica del VII libro, e soprattutto il passo con le immagini delle fiere dell'anima, dal IX libro (ff. 152v-154v).

Per il *Filebo*, l'immagine dell'anima-libro viene a rappresentare icasticamente il tema della memoria, che P ha sviluppato traendo passi dal testo sulla scorta dell'indicazione marginale della definizione che si legge in tutti i testimoni primari.

Dal marginale appariva guidata anche la scelta della sentenza del primo passo annotato dal *Filebo*. L'esame della tradizione del

²⁶ Per la definizione della memoria e la discussione antica si può richiamare in ambiente medio platonico il *Didaskalikos*, 4.4.7 (e 4.5.1): ἡ τούτου σωτηρία μνήμη καλεῖται (p. 5, 39-40 Whittaker). Cfr. inoltre Alessandro di Afrodisia, nel commento ad Aristotele, *Tópica* 343.28: οὕτω δ' ἂν δευχνύοι τις ὅτι μηδὲ σωτηρία αἰσθήσεως ἡ μνήμη [...]. O ancora gli scritti *De natura hominis*, in primo luogo Nemesio (*De natura hominis* 13.5: ἔστι δὲ μνήμη [...] ὥς δὲ Πλάτων, σωτηρία αἰσθήσεώς τε καὶ νοήσεως). Non vi sono invece indicazioni sui margini dei codici per esempio a *Filebo* 23c, discusso da Proclo nella *Teologia platonica*, e forse riecheggiato da Matteo di Efeso in una delle sue lettere. Per la testimonianza di P nei passi relativi agli scolii sulla definizione di memoria cfr. anche Cufalo 2007, che stampa opportunamente il testo di P disgiunto da quello degli altri testimoni primari.

²⁷ *Phil.* 38e12-39 a 7: anche P condivide con gli altri testimoni primari τοῦτο τὸ πάθημα, espunto dagli editori; per la discussione del passo cfr. Delcomminette 2006, p. 364.

²⁸ In aggiunta alle annotazioni antiche in W, la mano delle annotazioni W4 è di un certo interesse per il *Filebo*. Le annotazioni di W4 non sono state utilizzate da d1 (mano recenziere del codice D = Marc. gr. 185) nel sec. XIII.

dialogo nel suo complesso in rapporto ai *marginalia* mostra in effetti che ai passi estratti dal testo in P corrispondono annotazioni marginali nei testimoni primari:²⁹ sembra che P non si discosti dai margini per gli appunti di lettura della terza sezione, e che i brani di testo raccolti corrispondano ad indicazioni marginali dei manoscritti che ha di fronte.

Di fatto anche la ricerca della parola dal testo per esempio per l'*Assioco* appare successiva alla lettura della glossa marginale.

Una chiave di comprensione della selezione della terza parte di P sembra essere dunque strettamente bibliologica: per la sua ultima selezione P non si è in realtà mai allontanato dai *marginalia* stessi, trascrivendo gli scolii o espandendo le segnalazioni marginali, dalle quali è guidato, con brani tratti dal testo.³⁰

3. *Tradizione di corpus e selezioni.* Appendix, Assioco, Alcione

3.1. Tra XI e XII secolo: il Par. gr. 1808

P contiene l'*Appendix* nella parte finale: pur invertendo l'ordine rispetto alle *Definizioni*, che sono collocate alla fine del manoscritto (il Par. gr. 1807 termina con l'*Assioco* e così il Vat. gr. 1) si mantiene dunque conforme alla struttura di A e di O e del secondo tomo nel collocare gli apocrifi al termine del corpus.

L'innovazione più significativa in relazione alla posizione dell'*Appendix* degli spuri si produce invece con il Par. gr. 1808, che contiene le tetralogie I-VII e costituisce dunque un esempla-

²⁹ Se si considerano gli apografi, il Par. gr. 1808 non ha nulla in aggiunta a T nel *Filebo* ma su Par è stato copiato l'Esc. y.I.13 di Gregorio di Cipro e in Esc. y.I.13 compaiono annotazioni marginali aggiuntive rispetto agli *scholia vetera* in una mano che sembra appartenere al XIII-XIV secolo: in aggiunta la sensazione e la anamnesis vengono registrate sui margini nel passo sulla memoria. Le annotazioni passano nell'apografo di Esc, il Par. gr. 1811, del copista F, di poco posteriore, sul quale cfr. già Pérez Martín 2000, p. 327. Per il passo dell'anima-libro nell'età paleologa abbiamo altresì uno scolio che non si trova nei testimoni primari, nel Laur. Plut. 59.1 e di qui nel Laur. Plut. 85.9 e nel Marc. gr. 189. Il Laur. Plut. 59.1 appartenne al Patriarcato perché copiato in parte dal copista detto K6, cfr. Pérez Martín 2005; altre argomentazioni in Bianconi 2008a.

³⁰ Gli estratti di P trovano dunque corrispondenza nei *marginalia* dei manoscritti di Platone non perché l'attenzione dei lettori bizantini, tra i quali P, si è appuntata costantemente e soltanto su determinati passi dei dialoghi ma perché P segue i *marginalia*.

re del primo tomo di Platone, riconducibile al Marc. App. Cl. IV,1 (T), ma trascrive i sette dialoghi spuri tramandati dall'*Appendix*, secondo l'ordine canonico che va dal *De iusto* all'*Assioco*, subito dopo la settima tetralogia. Lo stesso Par. gr. 1808 è riconducibile per gli spuri ad A, come vide Post, e rappresenta una nuova linea tradizionale, accanto al Vat. gr. 1, nella discendenza di A.

La scrittura di Par è stata studiata da Inmaculada Pérez Martín, che ha ricondotto il codice al filone delle informali influenzate dalla cancelleresca.³¹ Per spiegare la scelta di collocare la breve raccolta dei dialoghi concordemente ritenuti apocrifi accanto alle tetralogie I-VII forse occorre tornare alla definizione di Müller di un genere letterario del dialogo breve: i dialoghi brevi dell'*Appendix* possono essere semplice modello di stile e di genere per la stesura di dialoghi, e anche nello stesso periodo medio bizantino Platone è stato modello di stile, come lo stesso Psello sembra suggerire. Può essere utile richiamare una raccolta platonica di estratti ancora da investigare, posta all'interno del Laur. Plut. 58.24, che contiene estratti provenienti soprattutto dalle tetralogie I-IV (sono del tutto assenti gli spuri). Al contrario del Vat. Pal. gr. 173, che tende a ricondurre il testo ad una trattazione unitaria tagliando l'interlocutore, il codice Laurenziano reca le battute dialogiche, e sembra che soprattutto sul loro scambio si concentri l'attenzione. Se P si lascia guidare dai *marginalia* e segue soprattutto la lingua, la sentenza, l'immagine, il codice Laurenziano resta più aderente ai dialoghi. Entrambe prodotte della cultura della συλλογή, le due raccolte sono di diversa ispirazione e di diversa struttura: l'operazione del Laurenziano consiste in appunti dal testo forse funzionali allo studio della tecnica del dialogo nell'ambito degli studi retorici ai quali il manoscritto appare legato. La stessa scelta del Parigino potrebbe essere stata dettata dal carattere letterario e paradigmatico che i brevi dialoghi dell'*Appendix* possono avere assunto.

³¹ Cfr. Pérez Martín 2005, in particolare p. 116-117; Brockmann 1992, soprattutto p. 162-177; Brockmann 1993, soprattutto p. 49 n. 27.

3.2. 'Scelte' dall'*Appendix* nell'età dei Paleologi: l'*Assioco* e l'*Alcione*

Al Par. gr. 1808 risale la selezione di Gregorio di Cipro, Escorial y.I.13, che esclude i dialoghi brevi dell'*Appendix*, mentre il Vindob. Phil. gr. 21 di Massimo Planude e Niceforo Moscopulo comprende la breve raccolta nella parte finale, per mano del copista Xb.³² Non solo. Nel Vindob. Phil. gr. 21 l'*Assioco* è in primo piano, all'inizio del gruppo degli spuri contenuti nel codice, che risulta in gran parte un apografo risalente a più modelli tradizionali ma nel caso del *Timeo* viene ricondotto da Jonkers ad una fonte perduta comune al Par. gr. 2998 di Gregorio di Cipro e al Vat. gr. 226 di Matteo di Efeso: con il mutamento dell'ordine di viene legittimo chiederci se ci troviamo per l'*Assioco* in presenza anche di una diversa fonte in Y.³³

Lo stesso Vat. gr. 1031 (J), che Daniele Bianconi riconduce al Patriarcato in virtù della presenza di due fogli trascritti da Giorgio Galesiota, anticipa la posizione dell'*Assioco* rispetto a tutti gli altri dialoghi.³⁴ In età paleologa circolano dunque sia le copie ampie o integrali del primo tomo che risalgono a Par e contengono gli spuri subito dopo la settima tetralogia, sia le copie integrali del secondo tomo che risalgono al Vat. gr. 1, O, e contengono gli spuri subito dopo la IX tetralogia, entrambe linee tradizionali riconducibili ad A. La sequenza può essere la canonica *De iusto-Axiochus*, per esempio nel Par. gr. 1809, nel Malat. D.28.4, nel Laur. Plut. 59.1, ora attribuito, come si è ricordato, al Patriarcato, nel Laur. Plut. 85.9 dell'ambiente di Gregora, nel Marc. gr. 188 con elementi della Fettaugen-Mode, oppure variare con l'*Assioco* in primo piano, sia nella linea tradizionale di Par (con il Vindob. Phil. gr. 21) sia nella linea tradizionale di O (con il Vat. gr. 1031).

Ma soprattutto alcuni codici dell'età dei Paleologi contengono dell'*Appendix* soltanto *Assioco* e *Alcione*: così il già ricordato Bruxel. 11360-63 di Matteo di Efeso, possessore peraltro del Vat.

³² Sul copista Xb cfr. Pérez Martín 1997, in particolare p. 77-80 (Leone Bardale?).

³³ Cfr. l'apparato di Souilhé 1930. In età paleologa circola per l'*Assioco*, secondo Post 1934, una fonte testuale indipendente nel Par. gr. 2110 e i suoi rapporti con il resto della tradizione devono essere valutati, cfr. *infra*. Per il *Timeo* cfr. Jonkers 1989.

³⁴ Cfr. Bianconi 2005, p. 169-171 e n. 173-174, 176, con tav. 24-25.

gr. 225-226, e il Vindob. Phil. gr. 109, in stile geometrico, forse ancora una volta dell'ambiente di Gregora,³⁵ o ancora il Mut. gr. 249. Sia l'*Assioco* sia l'*Alcione* per il numero di manoscritti che ne sono portatori e la singolarità della trasmissione tra i lettori bizantini richiedono supplementi di indagine, per quanto sotto aspetti alquanto diversi.

4. L'*Alcione*, *Isacco Argiro* e i lettori bizantini

4.1. Vicende tradizionali di un dialogo pseudoplatonico.

Lo stemma *codicum lucianeorum*

L'*Alcione* è un dialogo non stampato con Platone, né tradotto, per il quale si registrano, in aggiunta ai codici della tradizione platonica, quindici manoscritti in più tra i codici delle opere di Luciano,³⁶ una ricca tradizione che risale alla tarda antichità, come mostrano le corrotture da maiuscola nel ramo luciano, che indicano due traslitterazioni distinte.³⁷ Il breve dialogo presenta dunque una doppia tradizione manoscritta poiché è trådito non solo con Platone, conformemente alla sua presenza stabile all'interno dell'*Appendix*, tra *Sisifo* ed *Erissia*, ma anche con il corpus luciano.

Del tutto singolare è anche la storia della ricezione e della stampa del testo dell'*Alcione*, che non ebbe fortuna nelle edizioni platoniche, dalle quali è quasi del tutto scomparso, proprio in virtù della sua presenza nella tradizione manoscritta di Luciano e dell'uscita a stampa con il corpus luciano fin dall'*editio princeps*, l'incunabolo di Lorenzo d'Alopa del 1496, che si fondava principalmente sul codice M di Luciano, il Par. gr. 2954, il solo manoscritto luciano a presentare il titolo nella forma Ἀλκυὼν ἢ περὶ μεταμορφώσεως comune alla tradizione platonica di contro alla forma Ἀλκυὼν ἢ περὶ μεταμορφώσεων propria di tutta la tradizione luciana.³⁸

³⁵ Cfr. infra. Gregora non aveva trascritto tuttavia gli spuri nella sua copia personale Vat. gr. 228.

³⁶ Per i codici luciani cfr. soprattutto Bompaire 1993.

³⁷ Cfr. infra.

³⁸ Sul codice M, Par. gr. 2954 di Luciano e il suo ambiente di produzione cfr. ora Mondrain 2007, p. 183 e 188: M appare riconducibile all'ambiente di Gregora poiché B. Mondrain vi ha individuato le mani di Giovanni, del copista R,

Di seguito alla edizione di Lorenzo d'Alopa, l'Aldina di Luciano del 1503 sancì la fortuna del dialogo con il corpus delle opere luciane:³⁹ la successiva Aldina di Platone del 1513 non lo riprodusse, e ne decretò la scomparsa dal corpus delle opere di Platone e dall'*Appendix*.

Se Hermann stampò il testo con il corpus platonico nel 1853, l'atetesi editoriale perdurò con le edizioni di Burnet ai primi del novecento e dei *Dialogues apocryphes* di Souilhé del 1930.⁴⁰

L'edizione critica più recente dell'*Alcione* è ancora una volta una edizione lucianea, che in più casi colloca peraltro a testo alcune lezioni poziori proprie dei manoscritti di Platone.⁴¹ D'altro canto l'opera è del tutto estranea alla produzione lucianea, nella cui raccolta può essere confluita in virtù della titolatura, pur non avendo alcun rapporto con l'autore, come è stato a più riprese rilevato dagli studiosi di Luciano.⁴² Le brevi trattazioni che hanno ripreso la questione della paternità in ambito platonico, di Brinkmann, di Heidel, di Müller ne hanno sottolineato il rapporto con l'Accademia. Lo stesso P. Oxy. 3683 in qualità di testimone diretto antico viene a confermare la relazione privilegiata con Platone nell'antichità (II secolo), come anche Diogene Laerzio e i Prolegomena anonimi del VI secolo. L'*Alcione* è dunque un dialogo pseudo platonico che nella stessa tradizione di Platone conosce una circolazione antica.

Nella tradizione lucianea il dialogo compare già nel Vat. gr. 90 (Γ), degli inizi del secolo X,⁴³ posseduto da Alessandro di Nicea e ora attribuito da N. Kavrus-Hoffmann al copista Epifanio. Ancora una volta può essere richiamato l'Anonimo di Londra nella cui corrispondenza compare, oltre ad Alessandro di Nicea anche un

assai simile a Giovanni, e di un loro collaboratore. Sull'incunabolo cfr. Bompaire 1993, p. CXXIV-CXXV.

³⁹ Sull'Aldina cfr. Bompaire 1993, p. CXXV. L'*Alcione* compare costantemente anche nelle edizioni successive di Luciano, corredata in seguito della versione latina di Agostino Dati, che presuppone tuttavia il testo platonico e traduce dal Vat. gr. 1383, cfr. Menchelli 1990.

⁴⁰ Cfr. Hermann 1853. Il dialogo viene contemplato nella trattazione di Brinkmann 1891 e di Heidel 1896 e discusso da Immisch 1903, ed inoltre accolto per gli scoli da Greene 1938.

⁴¹ MacLeod 1987.

⁴² Categorico Helm 1927, col. 1742: «Keine Spur lukianischen Geistes».

⁴³ Per una descrizione del codice cfr. Coenen 1977, p. XI-XIII; Bompaire 1993, p. LXXXVII-XC.

allievo di nome Epifanio: proprio la compresenza delle due figure può indurre a pronunciarsi a favore dell'identità tra corrispondente dell'Anonimo e copista; forse alla cerchia dell'Anonimo si deve la produzione dello stesso Vat. gr. 90.⁴⁴

La tradizione luciana presenta una serie di errori comuni, che inducono a postulare la presenza di un archetipo per la tradizione di Luciano (Λ). L'analisi delle innovazioni consente altresì di ricostruire un anello comune ai codici Par. gr. 2957 (N), Vat. Urb. gr. 118 nella sua parte recente (i), Laur. conv. soppr. 88 (ε) – l'Ambros. A 218 inf. è invece stato copiato sul Laur. conv. soppr. 88 da Demetrio Damila –, per quanto non si possa del tutto escludere che i sia copiato su N, nel quale non sono presenti errori separativi rispetto a i, che è più conservativo nelle successioni, né sia del tutto da escludere la copia dello stesso Laur. conv. soppr. 88 su N (anche se in questo caso il Laurenziano conserva un errore comune a tutta la tradizione a fronte di una ulteriore corruzione di N).⁴⁵ Un anello comune sembrano suggerire alcuni errori comuni a V, Vat. gr. 89, e ad una delle parti recenziori del Laur. conv. soppr. 77 nella quale l'*Alcione* è contenuta;⁴⁶ un anello comune appare presupposto da alcune lezioni comuni a Z (Vat. gr. 1323) ed M, il già citato Par. gr. 2954;⁴⁷ e un anello comune si ricostruisce con sufficiente sicurezza per una serie di innovazioni comuni al Vat. Pal. gr. 174 (Pal; Pl. 2), e al Vat. gr. 87 (Vat) (codice poi appartenuto a Manuele Crisolora).⁴⁸ Per il gruppo N e il gruppo V-Laur. conv. soppr. 77 sembra sia possibile ricostruire un

⁴⁴ Per l'identificazione di Epiphany come copista del Vat. gr. 90 cfr. Kavrus-Hoffmann 2010. Come il noto monaco Efrem, l'allievo Epiphanyos troverebbe così corrispondenza nei manoscritti.

⁴⁵ Sul Par. gr. 2957 cfr. Bompaire 1993, p. CXVI; sull'Urb. gr. 118 parte recente (sec. XV) cfr. Bompaire 1993, p. XCVIII; sul Laur. conv. soppr. 88, pergameneo, del secolo XV, cfr. Coenen 1977, p. XXXVI-XXXIX.

⁴⁶ Sul Vat. gr. 89 cfr. Bompaire 1993, p. CII-CIII; sul Laur. conv. soppr. 77, del secolo X, e i suoi restauri cfr. Bompaire 1993, p. XC-XCI.

⁴⁷ Il Vat. gr. 1323 è codice assai poco studiato; cfr. Bompaire 1993, p. C-CI; su M cfr. Coenen 1977, p. XX-XXIV; Bompaire 1993 p. CV e cfr. ora Mondrain 2007 cit. supra.

⁴⁸ Sul Vat. Pal. gr. 174 cfr. Coenen 1977, p. XXVII-XXIX; Bompaire 1993, p. CII, dove già si rimanda a Coenen per la vicinanza di Pal a Vat nella seconda parte di Pal; sul Vat. gr. 87 cfr. Bompaire 1993, p. CVII-CVIII, dove si rifiuta l'attribuzione a Demetrio Triclinio (rifiutata anche in Bianconi 2005).

ulteriore anello congiuntivo mentre più dubbio è il rapporto tra ZM e PalVat.⁴⁹

In Luciano il testo si fonda dunque su una pluralità di testimoni. D'altro canto il numero e la qualità degli errori comuni a tutta la tradizione di Luciano porta in ogni caso a ribadire che l'*Alcione* è uno scritto a "recensione unica" né si registrano le serie di varianti che inducono a postulare doppie recensioni per una parte del corpus luciano. Una riflessione può anche essere avanzata in virtù del reciproco confronto tra le due tradizioni, di Platone e di Luciano, perché se la tradizione di Platone, che consiste nel codice A, con le sue varianti marginali, e nelle varianti marginali del codice O, consente di restituire la buona lezione a fronte di una tradizione luciana assai più corrotta, sono penetrate nel testo platonico varianti di una precisa tipologia, di natura glossematica.⁵⁰ Per esempio all'inizio del terzo capitolo Cherefonte viene glossato nella tradizione platonica con *ἐταίρε Σωκράτους* e la glossa viene espunta soltanto in un secondo momento, con la rasura, da A e da O; in luogo del termine *ἀλκωνίδας*, registrato sul margine di O dalla mano O³, compare il più banale genitivo plurale *ἀλκυνόνων* che ha il sapore ancora una volta, come si discuterà più avanti, di una glossa (anche se potrebbe essere venuto a sanare una corruzione; in Luciano nel passo abbiamo in alcuni manoscritti un testo corrotto).

4.2. Nota paleografica sul Vat. Pal. gr. 174 e Isacco Argiro

La stessa tradizione bizantina di Luciano appare tuttavia consapevole della compresenza della circolazione del dialogo con Platone: una nota marginale apposta sul Vat. Pal. gr. 174, all'interno del quale il dialogo occupa i ff. 269v-270v, fa esplicito riferimento alla *Appendix* del corpus platonico: *οὗτος ὁ λόγος εὗρίσκεται καὶ ἐν τοῖς νοθευομένοις τοῦ Πλάτωνος* (f. 269v). L'età dei Paleologi, a nome di un suo anonimo lettore, ripropone la notizia della

⁴⁹ ZM e PalVat (tutti di età paleologa) presentano alcune buone lezioni attestate nel testo o dai marginalia della tradizione platonica, in virtù delle quali Immisch ricostruiva una "recensione aretea" del dialogo.

⁵⁰ La separazione netta delle due tradizioni si registra anche grazie alle diverse operazioni di apposizione degli scolii. Lo stesso termine viene glossato diversamente nella tradizione platonica (A, O) (e in Fozio), e nella tradizione luciana.

copia del dialogo con gli spuri di Platone: il copista del dialogo ha scrupolosamente annotato l'indicazione relativa alla compresenza. Il manoscritto, un codice luciano di ampio contenuto, è diviso in due sezioni: la prima, la più antica, è costituita da quindici fascicoli, numerati, con l'ultima indicazione sul f. 120v, con il quale termina il quindicesimo quaternione; vi opera una mano principale (f. 1, f. 103v), che ha apposto alcune invocazioni (f. 1, f. 15, f. 75, f. 99) sui margini, e che appartiene alla prima età dei Paleologi, come mostrano le spiccate caratteristiche Fettaugen; la seconda parte, che ha inizio con il f. 121, si deve ad una mano influenzata dallo stile *ton Hodegon*, nella quale credo debba essere individuata la scrittura di Isacco Argiro nella sua versione più minuta (Pl. 2).⁵¹

Dello stile del noto monastero costantinopolitano Argiro condivide la predilezione per i tratti obliqui sviluppati (per esempio nel tratteggio del *chi*, del *lambda*) e la tendenza a dare alle lettere una forma squadrata, come accade per esempio nei tratteggi di *epsilon-iota* o di *epsilon* con lettera seguente, per esempio il *gamma* o il *chi*.⁵² Sono comuni con Gregora i tratteggi di *epsilon* legato con lettera seguente, il *theta* in un solo tratto, il *kappa* ingrandito, la legatura a staffa del *tau*.⁵³ L'influsso del copista 'G' si può cogliere nella predilezione per il *ny* di forma maiuscola angolosa, o ancora nella presenza di qualche trattino supplementare in fine di rigo (assai sporadica tuttavia e non in forma identica), mentre sono propri di Argiro per esempio lo *ypsilon* allargato in legatura con *pi* ad inizio di parola, *psi* incipiente con ricciolo, il grosso *epsilon* lunato con *iota* seguente, il *beta* con il primo tratto che inizia sotto il rigo di base,⁵⁴ che inducono a proporre e sostenere l'identificazione della mano di Argiro nel Vat. Pal. gr. 174.

Argiro, studiato, come è noto, da Mercati in relazione alla polemica antipalamita che condivise con il suo maestro Niceforo Gregora e agli autografi prodotti in quella temperie, fu attivo in

⁵¹ Per il doppio registro grafico di Argiro cfr. soprattutto Bianconi 2008b, p. 357; in particolare è utile rimandare al Neap. III.D.37 per il quale cfr. Bianconi 2008b, p. 359-360. Per la problematicità della mano di Argiro cfr. anche Mon-drain 2007 p. 165-170.

⁵² Sull'influsso del monastero cfr. in particolare Pérez Martín 2008.

⁵³ Su Gregora e Argiro cfr. Pérez Martín 2008, p. 446-447.

⁵⁴ Sull'influsso del copista 'G' e sulle caratteristiche proprie di Argiro cfr. Pérez Martín 2008, p. 446-447; Bianconi 2008b, p. 357.

numerosi codici scientifici e astronomici della cerchia di Gregora, esperto di astronomia, e lui stesso autore di opere astronomiche: a questo proposito la sua mano deve essere identificata per esempio nel Laur. Plut. 28.13. Le recenti attribuzioni di Inmaculada Pérez Martín, di Daniele Bianconi, di Brigitte Mondrain, restituiscono inoltre al discepolo di Gregora tutta una serie di manoscritti, dai tragici ad Aristotele, che ne attestano la fervida attività di copia.

Nel Vat. Pal. gr. 174 Argiro segnala la compresenza negli spuri perché conosce evidentemente la tradizione platonica dell'*Alcione*. Non sembra avere un codice platonico a portata di mano perché altrimenti sanerebbe anche la lezione senza senso *onoma esti* per *onomasai ti* (corretto e della tradizione di Platone a fronte di semplificazione e errata divisione di parola da maiuscola) mentre invece lascia lo spazio bianco. Forse si riserva di intervenire in un secondo tempo, in ogni caso sa che l'*Alcione* fa parte degli spuri di Platone. Di fatto nella cerchia di Gregora è stato prodotto il Laur. Plut. 85.9 e la mano del copista A del codice, altrimenti attivo nella cerchia di Gregora, è affine alla mano di Argiro (per esempio, sul f. 368v del Laur. Plut. 85.9, la nota sulla dimenticanza dello scriba è spessa e calligrafica come l'Argiro più calligrafico). Argiro riordina i dati e/o consente, a mio avviso, di riordinarli dando notizia – e se vogliamo anche ristabilendo la priorità – della collocazione del dialogo nel corpus platonico.

E' possibile che la compresenza della tradizione platonica abbia consentito e indotto nella colta età dei Paleologi a correggere in alcuni punti il testo in alcuni manoscritti lucianei (anche se sicuramente non in tutto lo scorretto codice di Argiro): M infatti (peraltro legato a Z), copiato dal filologo Giovanni, dall'Anonimo R a lui simile e da un collaboratore, secondo gli studi di Brigitte Mondrain, è il solo codice di Luciano, come si è detto, ad avere il titolo al singolare come i codici di Platone; è al tempo stesso possibile che siano lezioni "platoniche" le lezioni annotate sui margini del Laur. conv. soppr. 77.

4.3. Per la costituzione del testo dell'*Alcione*.

Lettori bizantini e varianti

Il corrispondente effetto della presenza della tradizione di Luciano veniva evocato da Greene per spiegare una variante marginale

platonica che compare sui margini di O ad una data assai più alta, in pieno decimo secolo (O³).⁵⁵ Le varianti marginali di O e la loro supposta relazione con la tradizione luciana dell'*Alcione* costituiscono un aspetto tuttavia problematico della lettura del corpus platonico.⁵⁶

O presenta tre varianti marginali segnalate da *graphetai* (non è una variante infatti la aggiunta di γὰρ ταύτην all'inizio del dialogo, per quanto sia registrata in questa forma da Greene e da Macleod), rilevabili in due passi del dialogo:

- 1) [...] ἡ δὲ φύσις ἐν κηρίῳ σχεδὸν παραβάλλουσα ζῶον ἄπουν καὶ ἄπερον πόδας ὑποθεῖσα καὶ περῶσασα ποικιλίᾳ τε φαιδρύνασα πολλῇ καὶ καλῇ καὶ παντοδαπῇ χρωμάτων μέλιτταν ἀπέδειξε σοφίην [...]

Ps.-Plat., *Alcyon*, c. 7 (ed. M.D. Macleod, *Luciani Opera*, p. 94).

ἄπερον A² O³ (γρ. ἄπερον A² O³) : ἄχειρον ΠΛ

- 2) [...] Σω. Οὐ μέγα: μεγάλην μέντοι διὰ τὴν φιλανδρίαν εἵληφε παρὰ θεῶν τιμὴν: ἐπὶ γὰρ τῇ τούτων νεοττεῖᾳ καὶ τὰς ἀλκυνίδας προσαγορευόμενας ἡμέρας ὁ κόσμος ἄγει κατὰ χειμῶνα μέσον διαφερούσας ταῖς εὐδαίαις, ὧν ἐστι καὶ ἡ τήμερον παντὸς μᾶλλον. Οὐχ ὀρθῶς ὡς αἰθρία μὲν τὰ ἄνωθεν [...]

Χαιρ. Λέγεις ὀρθῶς: φαίνεται γὰρ ἀλκυνὶς ἡ τήμερον ὑπάρχειν ἡμέρα [...]

Ps.-Plat., *Alcyon*, c. 2 (ed. M.D. Macleod, *Luciani Opera*, p. 91).

ἀλκυνίδας O³ (γρ. ἀλκυνίδας O³) M Z Pal : ἀλκυνίτιδας Vat : ἀλκυνόνων Π : ἀλκυνάας Γac Vφ Neī : ἀλκυνίας Γpc : ἀλκυνίτιδας ἡμέρας καὶ ἀλκυνίδας φmarg.

ὡς αἰθρία Π Λ : ὡς αἰθριαίτατα O³ (γρ. ὡς αἰθριαίτατα O³)

Nel primo passo citato la variante si trova già in A. Tutta la tradizione (ΠΛ) si accorda qui in una lezione corrotta, inferiore: soltanto la variante marginale extrastemmatica registrata in A e in O ci dà il testo sano e corretto.

Nel secondo passo, delle due varianti registrate da O³ la seconda, che non viene accolta dagli editori, compare soltanto sui

⁵⁵ Cfr. Greene 1938.

⁵⁶ Non è presente, come si è detto, per gli Spuri la mano O⁴, che opera nel corso del secolo XI; con il siglum Π si indica il consensus codicum platoniorum, con il siglum Λ il consensus codicum lucianeorum.

margini di O, né è altrimenti presente né in A, dunque nella tradizione platonica (Π), né nella tradizione luciana (Λ).

Ma per il confronto tra le due tradizioni è significativa soprattutto la variante ἀλκυνιδας, che è assente ancora una volta da A, ma compare sui margini di O, ad opera sempre di O³, e in parte della tradizione di Luciano. Parte della tradizione luciana ha il corrotto ἀλκύννας che si spiega come errore da maiuscola per vicinanza Α-Δ e semplificazione, né nei suoi rappresentanti più fedeli la tradizione di Luciano conosce ulteriori correzioni se non nel Vat. gr. 90 (Γ) (l'introduzione di iota come tentativo di correzione). La tradizione platonica ha la glossa ἀλκύνων, che dà un testo inferiore ma leggibile e sintatticamente corretto. Il necessario ἀλκυνιδας è restituito dal marginale di O, sempre per intervento di O³.

Come le altre varianti anche quest'ultima registrata sui margini di O può essere senza dubbio primaria nella stessa tradizione platonica, e forse anche in parte della tradizione di Luciano che la conserverebbe indipendentemente ad una data più avanzata. Le affermazioni di Immisch e Greene possono senza dubbio essere ridimensionate, poiché il passaggio Luciano-Platone riguarderebbe una sola variante ed è possibile che quest'ultima sia appunto registrata da una fonte della tradizione di Platone come le altre alle quali si accompagna.⁵⁷

Se si torna al dialogo, per concludere l'*Alcione* ha diversa titolatura nelle due tradizioni, aspetto che contribuisce a comprovare la divaricazione antica della tradizione; la tradizione luciana è molto più corrotta: sono presenti errori da errata divisione di parola o errori da maiuscola ΙΔ-ΙΑ, con testo chiaramente inferiore (a fronte delle corrottele di tipo glossematico che caratterizzano invece la tradizione di Platone). L'eventuale contaminazione può non essersi verificata prima dell'età dei Paleologi (oppure anche essere stata inversa a quella supposta, con un passaggio da Platone a Luciano), quando la tradizione luciana mostra di conoscere la tradizione platonica anche in maniera esplicita, almeno per Argiro.

⁵⁷ La fonte A³ O³ è già stata oggetto di indagini ma resta senza dubbio da investigare per la sua costante attività su A e su O, sui quali opera con la scorta di buoni antighi ai quali spesso si richiama.

5. *L'Assioco*

Oltre alla copia all'interno dell'*Appendix* o alla copia congiunta con l'*Alcione*, le liste dei manoscritti platonici registrano per l'*Assioco* alcuni manoscritti aggiuntivi, in virtù di una circolazione miscellanea che si colloca, secondo le copie superstiti, tra medioevo e umanesimo. Le mie collazioni sono ancora parziali. Tra i codici ascrivibili a Bisanzio si segnalano due manoscritti parigini, il Par. gr. 2010, testimone primario per l'*A Demonico* pseudoisocrateo,⁵⁸ e il Par. gr. 2110 che secondo Post è testimone primario per l'*Assioco* stesso. Accanto al Par. gr. 2110 occorre considerare la testimonianza del Laur. Plut. 11.13, che come il Parigino contiene Luciano e per Luciano risale ad una fonte comune:⁵⁹ i dati di una nuova collazione dell'*Assioco* sembrano confermare la relazione anche per il dialogo pseudoplatonico.⁶⁰

Per l'*Assioco* si registra altresì, sempre nel sec. XIV, anche un'altra forma di circolazione, con la trascrizione di un breve *excerptum* dal testo nella parte finale del Vindob. Suppl. gr. 39 (F), limitato tuttavia al brano iniziale del dialogo, conservato anche in O. F sembra risalire qui al Vat. gr. 1 attraverso la linea tradizionale rappresentata dal Vat. gr. 1029 e dal suo apografo Vindob. Phil. gr. 109, in stile geometrico (e legato dalle filigrane al codice Bibl. Ariostea II 78 dell'ambiente di Gregora), che grande interesse riveste anche in rapporto alla versione di Marsilio Ficino, con i quali F condivide tutte le innovazioni significative, e.g.:

364b4 Σώκρατες] ὁ Σώκρατες RViF (*o Socrates* Ficinus), con in aggiunta la trasposizione in F, in luogo di Σώκρατες ἔφη νῦν : νῦν ἔφη ὁ Σώκρατες F;

364b5 πρὸς σοῦ] ὑπὸ σοῦ RViF (*illam quam semper predicas* Ficinus);⁶¹

⁵⁸ Cfr. Drerup 1906 per lo status primario del Par. gr. 2010; sul codice cfr. anche Menchelli 2009.

⁵⁹ Cfr. Bompaire 1993, p. cvi per il Par. gr. 2110, p. civ sul Laur. Plut. 11.13 con rimando a Coenen 1977 per l'analisi delle filigrane, e lo stemma codicum tracciato da Coenen: in Luciano i due codici si collocano nella discendenza di L, Laur. Plut. 57.51.

⁶⁰ Si tratta di codici del tutto assenti dall'edizione critica più recente, di Souilhé 1930, che peraltro registra in apparato testimoni che Post (1934) ha poi dimostrato essere apografi.

⁶¹ Alcune delle varianti comuni a R e Vind 109 (ed F) appaiono presupposte

364c2 ἐς] εἰς RViF;

e rispetto a RVi, F presenta alcuni errori singolari suoi propri, e.g.:

364 a 5 Χαρμίδου] Χαρμήδου F;

364b7 ἀνιαρώς] χαλεπῶς F;

364b7 γε om. F.

Per l'*Assioco* F, il più importante codice platonico dell'età dei Paleologi, trascritto dall'"Anonimo Gamma" tra XIII e XIV secolo⁶² e passato per le mani di Manuele Meligalas, secondo la recente attribuzione di B. Mondrain,⁶³ risalirebbe in ultima analisi all'ambiente di Gregora. Il testo di Ficino, accanto al Laur. Plut. 85.9, può essere in alcuni punti vicino a quello di questa linea tradizionale.

Nel caso dell'*Assioco* è necessario tracciare nuovamente lo stemma codicum. Non solo: particolare interesse riveste il confronto tra le nuove eventuali fonti primarie del secolo XIV e le note marginali di A. Come si è visto per l'*Alcione*, talvolta soltanto grazie ai *marginalia* di A e di O abbiamo la buona lezione: anche quando la tradizione sembra appiattirsi su A, come per gli spuri, ancora una volta un lettore bizantino può guidarci in analisi più accurate sia per la costituzione del testo sia per la storia degli studi platonici a Bisanzio.

anche da Marsilio Ficino, nell'ambiente del quale sembra aver circolato lo stesso codice Viennese, che potrebbe figurare tra le fonti della sua versione dell'*Assioco* (Menchelli 1989); per la mano delle annotazioni principali, che presenta richiami a Speusippo e a Senocrate, cfr. ora Carlini 2005; si può forse avanzare un confronto con Zanobi Acciaiuoli. Sulle fonti della traduzione dell'*Assioco* di Ficino mi propongo di tornare in un prossimo contributo.

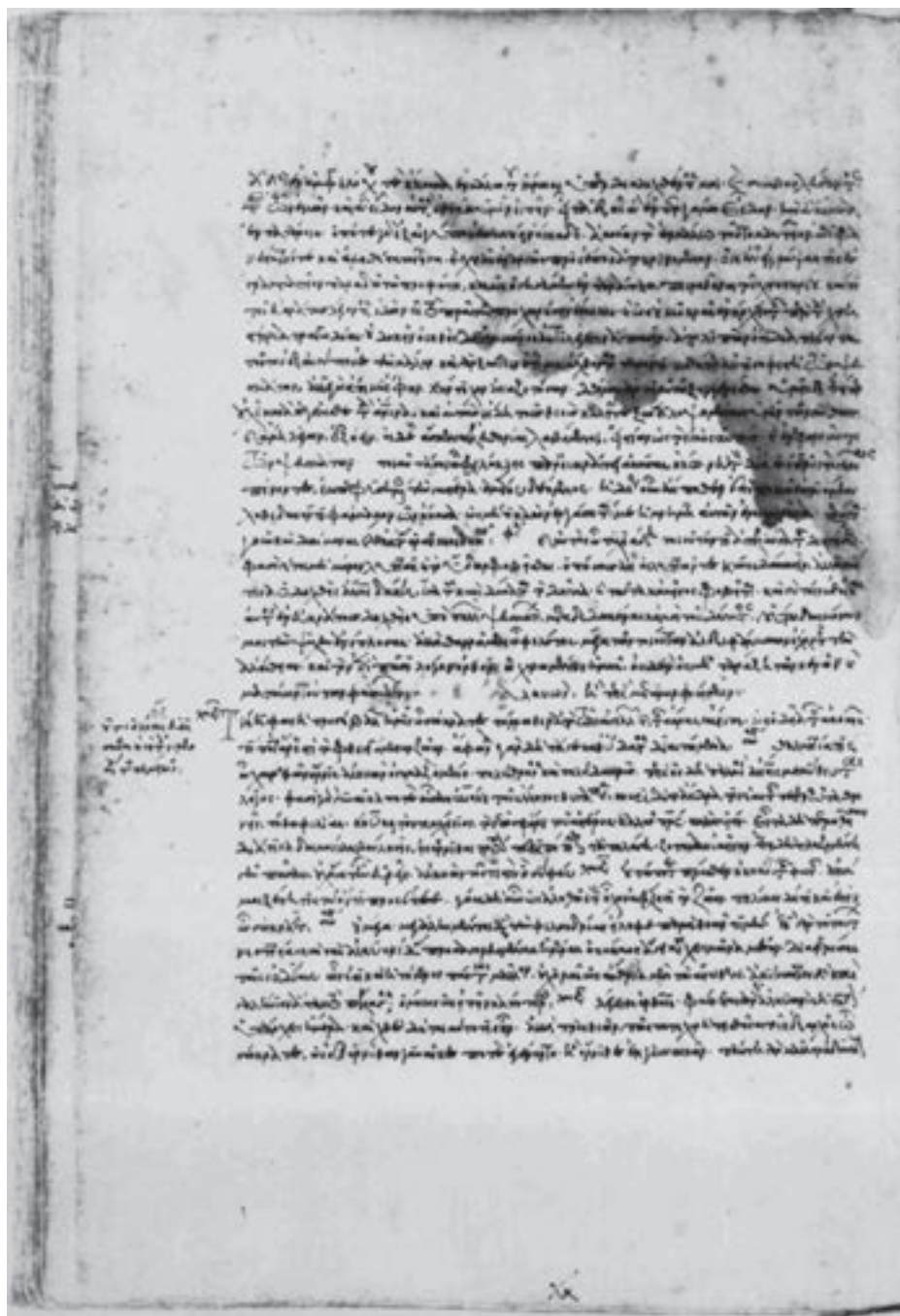
⁶² Cfr. anche Menchelli 2010.

⁶³ Cfr. Mondrain 2007, p. 174-177.

[illegible]

+ ἁπλῆς γὰρ οὐκ ἐστὶν ἀποδοξαστέον

[illegible]



Pl. 2: Vat. Pal. gr. 174 f. 269v.

Bibliografia

- H. Alline (1915), *Histoire du texte de Platon*, Paris: E. Champion (Bibliothèque de l'Ecole des Hautes Etudes 218).
- E. Berti (1996), 'Osservazioni filologiche alla versione del *Filebo* di Marsilio Ficino', in P. Cosenza (ed.), *Il Filebo di Platone e la sua fortuna*. Atti del convegno di Napoli, 4-6 novembre 1993, Napoli: D'Auria, p. 93-167.
- D. Bianconi (2005), *Tessalonica nell'età dei Paleologi. Le pratiche intellettuali nel riflesso della cultura scritta*, Paris: E.H.E.S.S. (Doss. Byz. 5).
- D. Bianconi & L. Del Corso 2008 (eds.), *Oltre la scrittura. Variazioni sul tema per Guglielmo Cavallo*, Paris: E.H.E.S.S.
- D. Bianconi (2008a), 'Sui copisti del Platone Laur. Plut. 59.1. Tra paleografia e prosopografia', in D. Bianconi & L. Del Corso 2008, p. 253-288.
- D. Bianconi (2008b), 'La controversia palamitica. Figure, libri, testi, mani', in *Segno e Testo* 6, p. 337-376.
- D. Bianconi (2010), 'Erudizione e didattica nella tarda Bisanzio', in L. Del Corso & O. Pecere (eds), *Libri di scuola e pratiche didattiche. Dall'antichità al Rinascimento*. Atti del Convegno Internazionale di studi, Cassino, 7-10 maggio 2008, Cassino: Università di Cassino, p. 475-512.
- J. Bompaigne (1993) Lucien. *Oeuvres. Tome I. Introduction générale. Opuscules 1-10*, Texte établi et traduit par J. Bompaigne, Paris: BL.
- G.J. Boter (1989), *The Textual Tradition of Plato's Republic*, Leiden – New York – København – Köln: Brill.
- A. Bravo García & I. Pérez Martín & J. Signes Codoñer (eds), *The legacy of Bernard de Montfaucon: Three Hundred Years of Studies on Greek Handwriting*. Proceedings of the Seventh International Colloquium of Greek Palaeography, Madrid – Salamanca, 15-20 September 2008, Turnhout: Brepols.
- A. Brinkmann (1891), *Quaestionum de dialogis Platoni falso addictis specimen* (Diss. Bonn 1888) Bonn.
- L. Brisson (1992), 'Diogène Laërce, *Vie et doctrines des philosophes illustres*, Livre III: *Structure et contenu*', in *Aufstieg und Niedergang der römischen Welt*, II 36, 5, Berlin-New York: de Gruyter, p. 3619-3760.
- Chr. Brockmann (1992), *Die handschriftliche Überlieferung von Platons Symposion*, Wiesbaden: Ludwig Reichert (Serta Graeca 2).
- Chr. Brockmann (1993), 'Zur Überlieferung der aristotelischen *Magna Moralia*', in F. Berger & Chr. Brockmann & G. De Gregorio & M.I. Ghisu & S. Kotzabassi & B. Noack (eds), *Symbolae Berolinenses für Dieter Harlfinger*, Amsterdam: Hakkert, p. 43-80.

- A. Carlini (1972), *Studi sulla tradizione antica e medievale del Fedone*, Roma: Edizioni dell'Ateneo.
- A. Carlini (2005), 'Alcune considerazioni sulla tradizione testuale degli scritti pseudoplatonici', in K. Döring & M. Erler & S. Schorn 2005, p. 25-35.
- G. Cavallo (2000), 'Scritture informali, cambio grafico e pratiche librerie a Bisanzio tra i secoli XI e XII', in G. Prato 2000, p. 219-238.
- G. Cavallo (2007), 'Qualche riflessione sulla "Collezione filosofica"', in C. D'Ancona 2007, p. 155-165.
- J. Coenen (1977), *Lukian. Zeus Tragodos. Überlieferungsgeschichte, Text und Kommentar*, J. Coenen, Meisenheim am Glan: Hain.
- CPF 1999 = *Corpus dei Papiri Filosofici Greci e Latini* (CPF), parte I, vol. 1, Firenze: Olschki.
- G. Cortassa (2001), 'Un filologo di Bisanzio e il suo committente: la lettera 88 dell'"Anonimo di Londra"', in *Medioevo Greco* 1, p. 97-138.
- D. Cufalo (2007), *Scholia Graeca in Platonem*, I, *Scholia ad Dialogos Tetralogiarum I-VII continens*, ed. D. Cufalo, Roma: Edizioni di Storia e Letteratura.
- C. D'Ancona (2007) (ed.), *The Libraries of the Neoplatonists. Proceedings of the Meeting*, Strasbourg, March 12-14, 2004, Leiden – Boston: Brill.
- S. Delcomminette (2006), *Le Philèbe de Platon. Introduction à l'agathologie platonicienne*, Leiden – Boston: Brill.
- J. Dillon (2010), Recensione a Francesco Aronadio (ed.), *Dialoghi spurri di Platone*, Torino 2008, Bryn Mawr Classical Review 2010.03.05.
- K. Döring & M. Erler & S. Schorn (2005) (eds), *Pseudoplatonica. Akten des Kongresses zu den Pseudoplatonica vom 6.-9. Juli 2003 in Bamberg*, Stuttgart: Steiner (Philosophie der Antike 22).
- E. Drerup (1906), *Isocratis opera omnia*, recensuit, scholiis, testimoniis, apparatu critico instruxit, I, Lipsiae: Dieterich (T. Weicher).
- E.A. Duke & W.F. Hicken & W.S.M. Nicoll & D.B. Robinson & J.C.G. Strachan (1995), *Platonis Opera*, tomus I, tetralogias I-II continens recognoverunt brevisque adnotatione critica instruxerunt, Oxford: Oxford University Press.
- G.C. Greene (1938), *Scholia Platonica*, contulerunt atque investigaverunt Fr. De Forest Allen, J. Burnet, C. Pomeroy Parker. Omnia recognita praefatione indicibusque instructa ed. G. Chase Greene, Haverford: Amer. Philol. Assoc.
- W.A. Heidel (1896), *Plato's Euthyphro and Pseudo-Platonica* (Diss. Chicago), Baltimore: Friedenwald.

- R. Helm (1927), 'Lukianos', in *PW RE* XIII.2.
- K.F. Hermann (1853), *Platonis Dialogi*, vol. VI, Leipzig: Teubner.
- G. Jonkers (1989), *The Manuscript Tradition of Plato's Timaeus and Critias*, Diss. Amsterdam.
- N. Kavrus-Hoffmann (2010), 'From pre-bouletée to bouletée: scribe Epiphanius and the codices Mosq. Synod. Gr. 103 and Vat. gr. 90', in A. Bravo García & I. Pérez Martín & J. Signes Codoñer (eds), p. 55-66.
- O. Immisch (1903), *Philologische Studien zu Plato, zweites Heft, De recensionis platonicae praesidiis atque rationibus*, Leipzig: Teubner.
- J. Irigoin (1981), 'Centres de copie et bibliothèques', in G. Cavallo (ed.), *Libri e lettori nel mondo bizantino*, Roma – Bari: Laterza.
- J. Irigoin (1985-1986), 'Deux traditions dissymétriques: Platon et Aristote [1985-1986]', ora in Id., *Tradition et critique des textes grecs*, Paris, BL, 1997, p. 149-169.
- F. Lenz (1933), 'Der Vat. gr. 1, eine Handschrift des Arethas', in *Nachrichten von der Gesellschaft der Wissenschaften zu Göttingen, Philol. Hist. Klasse* 1, p. 193-218.
- M.J. Luzzatto (2008), 'Emendare Platone nell'Antichità. Il caso del Vaticanus gr. 1', in *Quaderni di storia* 68, p. 29-85, con tavole.
- M.J. Luzzatto (2010), 'Codici tardoantichi di Platone ed i cosiddetti Scholia Arethae', in *Medioevo Greco* 10, p. 77-110.
- M.D. Macleod (1987), *Luciani Opera recognovit brevique adnotatione critica instruxit M.D. Macleod, Tomus IV, libelli 69-86*, Oxford: Oxford University Press.
- A. Markopoulos (2000), *Anonymi professoris epistulae*, rec. A. Markopoulos, Berolini et Novi Eboraci: de Gruyter.
- M. Menchelli (1989), 'Un codice viennese tra i manoscritti platonici del Ficino', in *Studi Classici e Orientali* 39, p. 355-358.
- M. Menchelli (1990), 'La versione dell'Alcione di Agostino Dati senese e il Vat. gr. 1383', in *Civiltà Classica e Cristiana* 11, p. 203-219.
- M. Menchelli (1991), 'Il Vaticano Palatino gr. 173 di Platone e il Parigi gr. 1665 di Diodoro', in *Bollettino dei Classici* 12, p. 93-117.
- M. Menchelli (1996), 'Note sulla corsiveggiante del X secolo [Vat. gr. 1818 e Urb. gr. 105: uno stesso copista all'opera; un'altra testimonianza sul copista di P (Vat. Pal. gr. 173)]', in *Bollettino dei Classici* 17, p. 133-141.
- M. Menchelli (2009), 'Bibliologia dell'Ad Demonicum: osservazioni sulla tradizione manoscritta e sulla scansione in sentenze', in P. Odorico (ed.), «L'éducation au gouvernement et à la vie». *La tradition des «règles de vie» de l'Antiquité au Moyen-âge*, Atti del Convegno di

- Studi, Pisa, Scuola Normale Superiore, marzo 2005, Paris: E.H.E.S.S., p. 45-73.
- M. Menchelli (2010), 'Cerchie aristoteliche e letture platoniche. Manoscritti di Platone, Aristotele e commentatori', A. Bravo García & I. Pérez Martín & J. Signes Codoñer (eds), 2010, p. 493-502.
- B. Mondrain (2007), 'Les écritures dans les manuscrits byzantins du XIV^e siècle', in *Rivista di Studi Bizantini e Neoellenici* 44 (= *Ricordo di Lidia Perria* III), p. 157-196.
- B. Mondrain (2008), 'La réutilisation de parchemin ancien dans les livres à Constantinople au XIV^e et au XV^e siècle: quelques exemples, de la "Collection philosophique" aux folios palimpsestes du Parisinus gr. 1220', in S. Lucà (ed.), *Libri palinsesti greci: conservazione, restauro digitale, studio*. Atti del Convegno internazionale, 21-24 aprile 2004, Roma: Comitato Nazionale per la celebrazione del Millennario della Fondazione dell'Abbazia di S. Nilo a Grottaferrata, p. 111-129.
- J. Moore Blunt (1985), *Plato, Epistulae*, Leipzig: Teubner.
- C.W. Müller (1975), *Die Kurzdialoge der Appendix Platonica*, München: W. Fink.
- P. Odorico (1990), 'La cultura della συλλογή. 1) Il cosiddetto enciclopedia bizantino. 2) Le tavole dei sapere di Giovanni Damasceno', in *Byzantinische Zeitschrift* 83, p. 1-23.
- P. Orsini (2005), 'Quale coscienza ebbero i Bizantini della loro cultura grafica?', in *Medioevo Greco* 5, p. 215-248.
- P. Orsini (2006), 'Γράφειν οὐκ εἰς κάλλος. Le minuscole greche informali del X secolo', in *Studi medievali* 47, p. 549-588, tavv. I-XI.
- P. Orsini (2008), 'Minuscole greche informali del X secolo', in B. Atsalos & N. Tsironi (eds), *Actes du VI^e Colloque International de Paléographie Grecque, Drama, 21-27 septembre 2003*, Athènes: Société Hellenique de Reliure.
- I. Pérez Martín (1996), *El patriarca Gregorio de Chipre (ca. 1240-1290) y la transmisión de los textos clásicos en Bizancio*, Madrid: CSIC (Nueva Roma 1).
- I. Pérez Martín (1997), 'La "escuela de Planudes": notas paleográficas a una publicación reciente sobre los escolios euripideos', in *Byzantinische Zeitschrift* 90, p. 73-96.
- I. Pérez Martín (2000), 'El «estilo salonicense»: un modo de escribir en la Salónica del siglo XIV', in G. Prato 2000, p. 311-331.
- I. Pérez Martín (2005), 'Estetica e ideologia nei manoscritti bizantini di Platone', in *Rivista di Studi Bizantini e Neoellenici* 42, [= *Ricordo di Lidia Perria* I], p. 113-135.

- I. Pérez Martín (2008), 'El 'estilo Hodegos' y su proyección en las escrituras constantinopolitanas', in *Segno e Testo* 6, p. 389-458.
- L.A. Post (1934), *The Vatican Plato and its relations*, Middletown: Amer. Phil. Assoc.
- G. Prato 2000 (ed.), *I manoscritti greci tra riflessione e dibattito. Atti del V Colloquio internazionale di Paleografia Greca, Cremona 4-10 ottobre 1998*, Firenze: Gonnelli.
- F. Ronconi (2008), 'Qualche considerazione sulla provenienza dei modelli della "Collezione filosofica": note a margine del Paris. gr. 1962', in D. Bianconi & L. Del Corso 2008, p. 125-142.
- H.-D. Saffrey (2007), 'Retour sur le Parisinus graecus 1807, le manuscrit A de Platon', in C. D'Ancona 2007, p. 3-28.
- J. Souilh   (1930), *Platon. Oeuvres complete, Tome XIII, troisi  me partie, Dialogues Apocryphes*, Paris: BL.
- L.G. Westerink (1990), *Prol  gom  nes    la philosophie de Platon*, texte   tabli par L.G. Westerink, traduit par J. Trouillard, avec la collaboration de A.-Ph. Segonds, Paris: BL.
- N.G. Wilson (1960), 'Some paleographical Notes', in *Classical Quarterly* 10, p. 199-204.

SECTION 3

PHILOSOPHICAL TREATISES
AND COLLECTIONS

PANTELIS GOLITSIS

Berlin

LA *RECENSIO ALTERA*
DU COMMENTAIRE D'ALEXANDRE
D'APHRODISE À LA *MÉTAPHYSIQUE*
D'ARISTOTE ET LE TÉMOIGNAGE
DES MANUSCRITS BYZANTINS
LAURENTIANUS PLUT. 87,12
ET *AMBROSIANUS F* 113 SUP.*

Dans la notice savante que Concetta Luna a consacrée aux Commentaires grecs à la *Métaphysique* d'Aristote,¹ elle omet de signaler le texte que l'on s'est habitué à désigner, depuis l'édition de Michael Hayduck parue à Berlin en 1891, comme la *recensio altera* du Commentaire d'Alexandre d'Aphrodise (II^e s. après J.-C.) – *altera* par rapport à la *recensio vulgata*. L'omission n'est pas sans fondement logique : deux *recensiones* du Commentaire d'Alexandre d'Aphrodise, dira-t-on, représentent toujours le Commentaire d'Alexandre d'Aphrodise et, de ce point de vue, elles ne méritent pas d'être séparément mentionnées, voire d'être éditées comme étant deux ouvrages autonomes. Tout au contraire, elles doivent être examinées de façon égale, afin que le vrai texte d'Alexandre puisse être établi.

Ce raisonnement remonte en réalité, même si c'est de manière inconsciente, à Hermann Bonitz, qui a publié à Berlin en 1847 la première édition intégrale du Commentaire d'Alexandre.² Pour établir son édition, Bonitz a employé, à côté des manuscrits qu'il avait collationnés,³ quelques extraits publiés plut tôt par Christian

* Je tiens à remercier Caroline Macé, Sten Ebbesen, Stephen Menn, Marwan Rashed et Carlos Steel pour la lecture attentive qu'il ont faite de cet article, et pour les précieuses suggestions dont ils m'ont fait part.

¹ Cf. Luna 2003.

² Bonitz 1847.

³ Il s'agit des manuscrits Paris, Bibliothèque nationale de France, gr. 1876 (A), collationné en entier, et München, Bayerische Staatsbibliothek, 81 (M),

Brandis.⁴ Bien que Brandis, qui avait transcrit ces extraits à partir du manuscrit Firenze, Biblioteca Medicea Laurenziana, plut. 87,12,⁵ les ait prudemment attribués à un ‘cod. Laur.’, Bonitz, qui s’est fié à la description du contenu du manuscrit par Angelo Maria Bandini,⁶ a considéré que le manuscrit de Florence comportait le Commentaire d’Alexandre ; il a cru ainsi avoir rétabli le prologue perdu du Commentaire d’Alexandre d’après le témoignage du manuscrit florentin.⁷

Face à un manuscrit que l’autorité de Bonitz avait déjà inclus dans la recension du texte d’Alexandre, Hayduck, qui a ensuite collationné le Laur. 87,12 de manière intégrale, a dû recourir au concept de *recensio* : il a classé sous la rubrique de *recensio vulgata* la plupart des manuscrits qui s’accordaient avec la traduction latine du Commentaire d’Alexandre faite par Juan Ginés de Sepúlveda (Paris, 1536), tandis qu’il a classé sous la rubrique de *recensio altera* le Laur. 87,12 et un deuxième manuscrit qu’il a repéré, à savoir le Milano, Biblioteca Ambrosiana, F 113 sup. ; ces deux manuscrits contenaient, selon Hayduck, une *species* du Commentaire d’Alexandre, attribuable à un *interpres* postérieur à Asclépius de Tralles (VI^e s.).⁸ En dépit de son analyse détaillée, Hayduck a omis de signaler un fait, auquel Brandis, semble-t-il, avait pris garde : que ni le manuscrit de Florence ni le manuscrit de Milan n’attribuent le texte qu’ils contiennent à Alexandre.

La problématique de ce volume, fruit de l’heureuse initiative d’Inmaculada Pérez Martín et de Juan Signes Codoñer, tourne

collationné en partie. Bonitz a également employé ‘pro libro manuscripto’ la traduction latine de Sepúlveda.

⁴ Brandis 1836 et 1837.

⁵ Brandis ne précise pas la cote du manuscrit qu’il a employé pour publier ces extraits. Il n’y a pourtant pas d’autre manuscrit florentin qui puisse être identifié avec le manuscrit qu’il a employé.

⁶ Cf. Bonitz 1847, p. xii : ‘Laurentianus 87.12 [...] de quo in catal. bibl. Laur. haec leguntur: “Aristotelis Metaphysica cum commentario Alexandri Aphrodisiensis, qui totum codicis marginem unde quaque ambit. [...] Commentarius Alexandri incipit ἐπειδὴ ἡ γνώσις [...]”’ ; cf. Bandini 1770, col. 392–393. Bandini, quant à lui, s’est évidemment fié à l’inscription consignée au XV^e siècle au f. II^v du manuscrit : ‘Metaphysica aristotelis cum comento Alexandri in margine o(mn)ia in greco’.

⁷ Bonitz 1847, 3.1–4.2 = Brandis 1837, 6.7–7.2 (= Brandis 1836, 521a 14–b7). Le prologue ainsi rétabli par Bonitz a été ensuite reproduit par Hayduck 1891, 1.3–2.7.

⁸ Cf. Hayduck 1891, p. viii–ix.

autour des questions portant sur la transmission des textes à Byzance et sur la bonne façon de les éditer. Sans doute est-ce une belle occasion pour revisiter des concepts qui ont régi notre compréhension des textes issus d'une tradition manuscrite à la fois convergente et divergente, comme c'est le cas des deux *recensiones* mentionnées ci-dessus. Dans ce cadre, j'aimerais revisiter la soi-disant *recensio altera* du Commentaire d'Alexandre d'Aphrodise à la *Métaphysique*, dont une partie a été publiée par Hayduck dans l'apparat qui figure en bas de page de son édition sous le titre *Alterius recensionis gravior discrepantia*. Pour ce faire, je structurerai ma réflexion autour de trois questions qui se déploient selon un ordre chronologique décroissant, et qui admettront toutes une réponse négative : a) est-ce que la personne qui a produit la soi-disant *recensio* a voulu produire une 'interprétation' du Commentaire d'Alexandre, autrement dit un texte qui, de par l'intention de son auteur, garde son rapport avec le Commentaire d'Alexandre ?⁹ b) est-ce que les personnes qui ont par la suite reproduit et étudié ce texte, à savoir des copistes ou des érudits à Byzance, ont considéré qu'ils avaient sous les yeux un texte d'Alexandre (qu'il s'agisse d'une 'espèce' du texte d'Alexandre ou non) ? c) est-ce que les philologues de l'époque moderne, qui ont cru avoir repéré une *recensio altera* du Commentaire d'Alexandre, ont été vraiment aidés dans leur travail critique par leur vision, que l'on peut nommer alexandro-centrique ? Au terme de cette investigation, il deviendra, je pense, manifeste combien d'éléments de l'histoire exégétique de la *Métaphysique* ont disparu à cause d'une fausse application du concept de *recensio*.

1. Une *recensio* du Commentaire d'Alexandre d'Aphrodise à la *Métaphysique* ?

J'aborderai la première question par une expérience de pensée : imaginons que le Commentaire d'Asclépius à la *Métaphysique*, rédigé d'après les cours d'Ammonius fils d'Hermias (c. 435/445 – c. 515), nous ait été transmis sans titre. Une expérience de pensée,

⁹ De tels textes sont, par exemple, les *recensiones pachymerianae* du Commentaire de Proclus sur le *Parménide* de Platon et du Commentaire de Michel l'Éphésien sur les *Parties des animaux* d'Aristote ; voir Golitsis 2010.

on le sait, ne doit pas être aléatoire ; tel est le cas, rappelons-le, du Commentaire que nous lisons dans les deux manuscrits de la soi-disant *recensio*. Si, par la suite, nous comparions le texte de ce commentaire anonymisé avec le Commentaire d’Alexandre, nous aurions un résultat comme, par exemple, le suivant :

ALEXANDRE D’APHRODISE,
In Meta., 2.22-3.2

{980a27} Φύσει μὲν οὖν αἴσθησιν
ἔχοντα γίνεται τὰ ζῷα.
Εἰπὼν ὅτι ὁ ἄνθρωπος καὶ τὰς
αἰσθήσεις τοῦ εἰδέναι χάριν ἀγαπᾷ,
οὐ τῆς χρείας μόνον, διότι καὶ
ἡ αἴσθησις εἰς γνώσιν αὐτῷ συμβάλλεται τι,
ὅτι οὐ μόνον δι’ αἰσθήσεως τὸ γινώσκειν αὐτῷ, ἀλλ’
ἔχει τι πρὸς γνώσιν πλέον παρὰ τὰ
ἄλλα ζῷα, τὸν λόγον, οὐ τὸ γινώσκειν
ἴδιον, καὶ ὅτι τελειότερον διὰ
τοῦτο τῶν ἄλλων ζῶων
ὁ ἄνθρωπος, καὶ ὅτι ἡ σοφία γνώσις
εἶναι πᾶσι δοκεῖ οὐσα τιμω-
τάτη, διὰ τούτων ἡμᾶς διδάσκει,
ἅμα καὶ βεβαιῶν τὸ προειρημένον
ὅτι εὐλόγως εἴρηται, τὸ τοὺς ἀνθρώπους
τὰς αἰσθήσεις καὶ τοῦ
εἰδέναι χάριν ἀγαπᾶν.

(ASCLÉPIUS [=Ammonius],
In Meta., 6.18-31)

{980a27} Φύσει μὲν οὖν αἴσθησιν
ἔχοντα γίνεται τὰ ζῷα
[...] Εἶπεν οὖν ὅτι ὁ ἄνθρωπος καὶ
τὰς αἰσθήσεις τοῦ εἰδέναι χάριν
ἀγαπᾷ, οὐ τῆς χρείας μόνον, ἐπει-
δὴ καὶ ἡ αἴσθησις εἰς γνώσιν αὐτῷ
συμβάλλεται. φησὶν οὖν ὅτι οὐ
μόνη ἡ αἴσθησις πρὸς γνώσιν αὐτῷ
συμβάλλεται, ἀλλὰ καὶ ὁ λόγος,
καθ’ ὃν πλεονεκτεῖ τὰ ἄλλα ζῷα,
καὶ ὅτι διὰ
τούτου τελειότερος τῶν ἄλλων
ζῶων ὁ ἄνθρωπος, καὶ ὅτι ἡ σοφία
τῷ ἐν γνώσει εἶναι πᾶσι δοκεῖ τιμω-
τάτη, διὰ τούτων ἡμᾶς διδάσκει.
ἀλλὰ καὶ βεβαίῳ τὸ προειρημένον
τὸ τὰς αἰσθήσεις τοὺς ἀνθρώπους
εὐλόγως
ἀγαπᾶν.

J’ai visualisé par l’artifice typographique les différences minimales qui existent entre les deux textes. Est-ce que nous n’aurions donc pas, dans la deuxième colonne, un spécimen d’une autre *recensio altera* du Commentaire d’Alexandre ?

L’exemple, objectera-t-on avec légitimité, est délibérément choisi ; en d’autres endroits, les deux Commentaires divergent considérablement entre eux. Mais la soi-disant ‘*recensio*’, rétorquera-t-on, diverge aussi par endroits du Commentaire d’Alexandre. Ce qui doit retenir attention est le fait que Hayduck, qui avait édité le Commentaire d’Asclépius en 1888, n’a pas songé à reconnaître rétrospectivement en ce texte une autre *recen-*

sio altera du Commentaire d'Alexandre. Il aurait prêté attention assurément – et il faut maintenant abandonner notre expérience de pensée – au titre que transmettent les manuscrits : Σχόλια εἰς τὸ μείζον ἃ τῆς Μετὰ τὰ φυσικὰ Ἀριστοτέλους γενόμενα ὑπὸ Ἀσκληπιοῦ ἀπὸ φωνῆς Ἀμμωνίου τοῦ Ἑρμείου.

Ammonius, en tout cas, a amplement usé du Commentaire d'Alexandre pour faire ses cours sur la *Μετὰ φυσική*, publiés ensuite par son élève Asclépius ; et en faisant cela, il n'a commis certes pas un plagiat ni n'a suivi une démarche extraordinaire. Tout au contraire, il a adopté la pratique exégétique de son temps, qui consistait à faire libre usage de la littérature existante. Pour bien comprendre cette attitude, il convient de citer un passage très éclairant du Commentaire de Porphyre (c. 234 – c. 305) aux *Harmoniques* de Ptolémée :¹⁰

Προηρημένοι τοίνυν τὰ Ἀρμονικὰ τοῦ Πτολεμαίου ἐξηγεῖσθαι ἐπεργασόμεθα μὲν τὰ πλείστα μετὰ τοῦ στοχάζεσθαι τῆς συμμετρίας. εἰ δέ τισι τῶν παρὰ τοῖς πρὸ ἡμῶν εἰς τὴν ἐξηγήσιν καταχρησάμεθα, οὐχ ὑποβολὴν ἐγκλητέον ἡμῖν τὸ τοιοῦτον, φειδῶ δὲ τοῦ χρόνου, ἐν οἷς ἔνεστι χρήσασθαι τοῖς παρασκευασμένοις πρὸς τὸ χρήσιμον. πάνυ γάρ μοι αἰεὶ καλῶς ἔχειν ἔδοξε τὸ κοινὸν εἶναι τὸν Ἑρμῆν λέγεσθαι, ὥς κοινωνία τῶν λόγων πᾶσιν ὀφελόντων δεινὴν τε φιλοτιμίαν κατέγων τῶν παρατρέπειν ἢ παραφράζειν ἐθελόντων τὰ ἄλλοις εἰρημένα ὑπὸ τοῦ δοκεῖν ἴδια λέγειν. τοῦτο γὰρ οὐκ ἦν τὴν προνομίαν διδόντων τοῖς πράγμασιν, ὧν εἵνεκα καὶ τοῦ λόγου ἐδεήθημεν, διὰ δὲ τὸ φράζειν μᾶλλον καὶ τοῖς πράγμασι καταχρωμένων. ἐγὼ δὲ τοσούτου δέω παρατεῖσθαι χρῆσθαι τοῖς ὑγιῶς τισιν εἰρημένοις, ὥστε καὶ εὐξαίμην ἂν πάντας τὰ αὐτὰ λέγειν περὶ τῶν αὐτῶν καὶ ὥς ὁ Σωκράτης ἔφασκε διὰ τῶν αὐτῶν, καὶ οὐκ ἂν ἦν ἀναμφίλεκτος περὶ τῶν πραγμάτων τοῖς ἀνθρώποις ἔρις.

Nous proposant d'expliquer les *Harmoniques* de Ptolémée, nous traiterons de leur plus grande partie en visant la symétrie. Et si, pour en faire l'exégèse, nous avons abusé de certaines paroles de nos prédécesseurs, que l'on ne veuille pas nous accuser de falsification ! C'est pour faire l'économie du temps « que nous avons agi ainsi », dans tous les cas où il nous a été possible de faire usage des choses bien préparées en vue de l'utilité. En effet, j'ai toujours cru que l'on a parfaitement bien dit que « Hermès est commun », en ce sens que les discours doivent

¹⁰ Düring 1932, 4.22-5.7.

être communs à tous, et j'ai toujours reproché de vains efforts à ceux qui veulent paraphraser ou modifier ce que les autres ont dit, de crainte qu'ils ne paraissent dire les mêmes choses. Ce faisant, ils ne privilégient pas les choses elles-mêmes, en vue desquelles nous avons effectivement besoin des discours, mais ils profitent plutôt des choses pour parler. Quant à moi, tant s'en faut que je renonce à faire usage de ce qui a été bien dit par quelqu'un, que je souhaiterais que tous disent les mêmes choses à propos des mêmes choses et, comme le disait Socrate, par le moyen des mêmes choses ; de la sorte, le désaccord des hommes sur la réalité ne serait pas irrécusable.

Porphyre présente ici sous un éclairage philosophique la pratique de l'exégèse, et justifie en même temps la méthode adoptée : il s'agit de s'approcher, grâce à l'exégèse, de la vérité des choses, communicable aux gens par le moyen du seul *logos*, autrement dit Hermès, que partagent en principe tous les hommes. C'est en vertu à la fois de cette singularité et de cette communauté du *logos* (singulier quant à son essence, commun du point de vue de ceux qui en participent) que les hommes sont susceptibles de se mettre un jour d'accord. C'est pourquoi toute chose bien dite, c'est-à-dire dite de manière véridique, peut être tacitement reproduite à la lettre, selon une démarche qui privilégie la vérité révélée par l'exégèse, et non pas l'exégète qui révèle la vérité. Porphyre thématise ici un *modus operandi* que l'on trouve pratiquement dans toute la littérature exégétique. Pour n'en donner que deux exemples, le Commentaire de Jean Philopon (c. 490 – c. 570) à la *Physique* d'Aristote a puisé tacitement plus de six cent passages dans la Paraphrase respective de Thémistius,¹¹ et le néoplatonicien Simplicius (né c. 485) a composé son propre Commentaire à la *Physique* en reproduisant, sans toujours le signaler, les exégèses respectives d'Alexandre d'Aphrodise et de Porphyre.¹² Selon une valorisation de la création littéraire toute différente de la nôtre, la composition d'un commentaire dans l'antiquité tardive est essentiellement *un acte de recomposition*,¹³ dans lequel les opinions des exégètes précédents ne sont en principe nommées que lorsqu'il s'agit de diverger par rapport à elles – toujours au profit de la vérité.

¹¹ Cf. l'*Index nominum* établi par Vitelli 1888, s.v. Θεμιστίος.

¹² Voir Golitsis 2008a, p. 66-70.

¹³ Voir Golitsis 2008a, p. 58-64.

C'est dans un tel acte de recomposition qu'il faut aussi inscrire la soi-disant *recensio altera* du Commentaire d'Alexandre d'Aphrodise. Selon toute vraisemblance, nous avons affaire à l'œuvre d'un professeur qui fait ou, plutôt, qui prépare son cours sur la *Métaphysique* en utilisant comme instrument de travail le Commentaire d'Alexandre. Que ce professeur a visé à produire non pas une *recensio* du Commentaire d'Alexandre mais un nouveau commentaire, cela devient de prime abord évident par le simple fait qu'il a tiré de nouveaux lemmes du texte d'Aristote ; voici un exemple, parmi plusieurs :

ALEXANDRE D'APHRODISE,
In Meta., 22.20-23.8

ὁ καὶ αὐτὸς ἐν τοῖς Ἡθικοῖς ἐδήλω-
σεν εἰπὼν “διὸ καλῶς ἀπεφάναντο
τὸ ἀγαθόν, οὐ πάντα ἐφίεται”.

ποιησάμενος δὲ τὴν τῶν αἰτίων
διαίρεσιν <καὶ> μέλλων ζητεῖν
περὶ ποίας αἰτίας μάλιστα τοῦ
σοφοῦ εἰδέναι, ἐπεὶ πλεοναχῶς
τὰ αἴτια, εἰκότως πρῶτον τὰς τῶν
ἄλλων δόξας ἐπισκοπεῖ τῶν πρὸ
αὐτοῦ, ἐπὶ ποῖον αἴτιον ἢ ποῖα
κατηνέχθησαν. τοῦτο δέ, φησὶν,
ἔσται χρήσιμον ἡμῖν καὶ πρὸς
τὴν τῶν αἰτίων τῶν εἰρημένων
βεβαίωσιν. ἢ γὰρ καὶ ἄλλον
τρόπον εὐρήσομεν αἰτίων, εἰ μὴ
φαίνονται τὰ ὑπὸ τῶν ἀρχαίων
περὶ αἰτίων λεγόμενα ὑπὸ τὴν
διαίρεσιν πίπτοντα, ἢ εἰ τὰ πρὸς
ἐκείνων λεγόμενα μὴ ἐκβαίνει
τὰ ὑφ' ἡμῶν κατηριθμημένα τῶν
αἰτίων, ἥδη μᾶλλον τῇ διαιρέσει
ὡς ὑγιῶς ἐχούσῃ

πιστεύομεν.

{983b6} Τῶν δὴ πρώτων φι-
λοσοφησάντων οἱ πλείστοι

‘Recensio altera’

ὁ καὶ αὐτὸς ἐν τοῖς Ἡθικοῖς ἐδήλω-
σεν εἰπὼν “διὸ καλῶς ἀπεφάναντο
τὸ ἀγαθόν, οὐ πάντα ἐφίεται”.

{983a33} Τεθεώρηται μὲν οὖν
ικανῶς περὶ αὐτῶν ἡμῖν ἐν
τοῖς περὶ φύσεως

Εἰ καὶ ικανῶς, φησί, περὶ τῶν ἀρ-
χῶν τῶν φυσικῶν ἐν τοῖς Περὶ
φύσεως διήλθομεν λόγοις, ἐν τῇ
ἐπιγραφομένῃ Φυσικῇ ἀκροάσει,
ὅμως δεῖ ἡμᾶς παραλαβεῖν εἰς τὴν
τῶν αἰτίων εὐρεσιν τῶν πρὸ ἡμῶν
φιλοσοφησάντων τὰς δόξας· συ-
ντελὲς γὰρ ἡμῖν τοῦτο εἰς τὴν τῆς
ἀληθείας εὐρεσιν, καθάπερ τοῖς
πρὸ τοῦ ἔργου τι προπαρασκευ-
άζουσιν εἰς συντέλειαν ἐκείνου,
οἷον τοῖς πρὸ τοῦ πολέμου ὅπλα
καὶ ἵππον· ὁμολογουμένως γὰρ
οἱ παλαιοὶ ὑποτίθενται ἀρχὰς καὶ
αἴτια. ἐντεῦθεν οὖν ἐκ τοῦ ἐπελ-
θεῖν ταῦτα ἢ καὶ ἕτερόν τι γένος
εὐρήσομεν αἰτίων παρὰ ταῦτα
ἅπερ ἡμεῖς εἰρήκαμεν, ἢ ἀσφαλῶς,
εἰ μὴ εὐρήσομεν ἕτερον, αὐτοῖς
τούτοις πιστεύομεν.

{983b6} Τῶν δὴ πρώτων φι-
λοσοφησάντων οἱ πλείστοι

Le professeur restructure donc le commentaire d’Alexandre selon son propre ‘rythme’ exégétique.¹⁴ Quelques cas suggèrent même qu’il a peut-être utilisé comme manuscrit de base un manuscrit de la *Métaphysique* différent de celui sur lequel s’est principalement fondée l’exégèse d’Alexandre :

ALEXANDRE D’APHRODISE,
In Meta., 138.26–28

‘Recensio altera’

Γράφεται καὶ χωρὶς τοῦ ὅτι, ἡ
περὶ τῆς ἀληθείας θεωρία. καὶ
μᾶλλον δοκεῖ ἐκεῖνο ἀρχὴ εἶναι,
τὸ δὲ μετὰ τοῦ ὅτι οὐκ ἀρχὴ ἀλλ’
ἐπόμενον προειρημένῳ τινί.

Ἐν τισι γράφεται μετὰ τῆς τοῦ ὅτι
προσθήκης, ὅτι ἡ περὶ τῆς ἀλη-
θείας θεωρία. ἀλλ’ οὕτως μὲν οὐκ
ἀρχὴ βιβλίου ἐστίν, ἀλλ’
ἐπόμενον προειρημένῳ τινί· χωρὶς
δὲ τοῦ ὅτι ἀρχὴν τοῦτο ποιεῖ.

Il est possible que le professeur ait inversé ici les précisions textuelles données par Alexandre, mais dans un autre passage il fait clairement état d’une variante au texte de la *Métaphysique*, qui est transmise de façon unanime par la tradition manuscrite byzantine, tandis qu’elle était selon toute vraisemblance inconnue d’Alexandre :

ALEXANDRE D’APHRODISE,
In Meta., 132.16–133.1

‘Recensio altera’

ἀλλ’ ὥς ἀμφισβητεῖται περὶ τῆς ζα
συλλαβῆς πότερον αὐτὴν δεῖ διὰ
τοῦ ζ καὶ α γράφειν ἢ διὰ τοῦ σ
καὶ δ καὶ α,

οὕτω δὴ καὶ ἡ περὶ τῶν
ἀρχῶν ἀμφισβήτησις ἂν εἴη.

ἀλλ’ ὥς ἀμφισβητεῖται περὶ τῆς ζα
συλλαβῆς πότερον διὰ τοῦ ζ γρά-
φεται (ἢ ἕτερον φθόγγον εἶπεν),
ἢ διὰ τοῦ σ καὶ δ (τινὰ γὰρ τῶν
βιβλίων ἀντὶ τοῦ ζα σμα ἔχει γε-
γραμμένον· καλλίων δὲ ἢ διὰ τοῦ
ζα γραφῇ), οὕτω δὴ καὶ ἡ περὶ τῶν
ἀρχῶν ἀμφισβήτησις ἂν εἴη.

En outre, le Commentaire d’Alexandre est adapté à des habitus scolaires différents. Dans le cas suivant, on voit notre professeur retravailler le texte d’Alexandre en lui ajoutant des exemples de clarification, ainsi qu’un développement du syllogisme employé

¹⁴ Voir aussi plus bas, p. 210.

par Aristote, évidemment au profit d'étudiants qui n'étaient pas encore familiers avec la syllogistique elliptique du Stagirite :

ALEXANDRE D'APHRODISE,
In Meta., 16.12-19

προστίθῃσι δὲ ὅτι «καὶ ὁ φιλόμυθος φιλόσοφος πῶς» ταῦτα γὰρ σπουδάζει μανθάνειν ἃ ἐστὶ δι' ἄγνοιαν θαυμάσια (ἐκ γὰρ θαυμασίων τε καὶ παραδόξων οἱ μῦθοι σύγκεινται),

οἱ δὲ διὰ τὸ θαυμάζειν
τινὰ σπουδάζοντες μανθάνειν φιλόσοφοι.

Ὅτι δὲ μὴ χρειᾶς τινὸς μηδὲ πρᾶξεως χάριν ἀλλὰ γνώσεως ἦλθον τὴν ἀρχὴν ἐπὶ τὸ φιλοσοφεῖν, συνέστησε καὶ ἀπὸ τῆς ἱστορίας· μετὰ γὰρ τὴν τῶν ἀναγκαίων τε καὶ τῶν πρὸς ῥαστώνην τὴν τοῦ βίου παρασκευὴν...

'Recensio altera'

ὅθεν καὶ προστέθεικε «διὸ καὶ ὁ φιλόμυθος φιλόσοφος πῶς ἐστὶ»· ταῦτα γὰρ μανθάνειν σπουδάζει ἃ θαυμάζει δι' ἄγνοιας. σύγκεινται γὰρ οἱ μῦθοι ἐκ θαυμασίων καὶ παραδόξων· ταῦτα γὰρ διηγούνται ἅ παρὰ τὴν τῶν πολλῶν ὑπόληψιν εἰσιν· τὸ γὰρ ἐκ γῆς αὐτόχθονας ἄνθρώπους γενέσθαι καὶ τὸ μάχην θεοῦς συστήσασθαι περὶ τῆς τῶν Ἀθηναίων πόλεως παρὰ τὴν κοινήν ἐστιν ἔννοιαν. ταῦτα δὴ θαυμάζεται· ὁ δὲ διὰ τὸ θαυμάζειν τινὰ σπουδάζων μανθάνειν φιλόσοφος. κεκοινώνηκεν οὖν ὁ φιλόμυθος τῷ φιλοσόφῳ ἐν τῷ θαυμάζειν. καὶ εἴη ἂν ἡ συναγωγὴ τοῦ συλλογισμοῦ ἐν τρίτῳ σχήματι τοῦ τὸν φιλόμυθον φιλόσοπον εἶναι, μέσου λαμβανομένου τοῦ θαυμάζειν, ἐκ δύο καταφατικῶν οὕτως· ὁ θαυμάζων φιλόσοφος, ὁ θαυμάζων φιλόμυθος, ὁ φιλόμυθος ἄρα φιλόσοφος.

Τὸ δὲ μὴ χρειᾶς τινὸς ἢ πρᾶξεως χάριν ἀλλὰ γνώσεως ἕνεκα τὴν ἀρχὴν ἐπὶ τὸ φιλοσοφεῖν ἐλθεῖν συνέστησε καὶ ἀπὸ τῆς ἱστορίας· μετὰ γὰρ τὴν τῶν ἀναγκαίων τε καὶ τῶν πρὸς ῥαστώνην τὴν τοῦ βίου παρασκευὴν...

Les références à des scènes mythologiques, comme la suivante qui éclaire davantage l'exemple précédent, suggèrent aussi un contexte scolaire :

ALEXANDRE D'APHRODISE,
In Meta., 167.14-19

τοῦτο εἰπὼν ἐφεξῆς δείκνυσι πό-
σιν ισχὺν ἔχει τὰ συνήθη. πολλὰ
γὰρ οἱ νομοθέται μυθώδη νομοθε-
τοῦντες διὰ τὸ χρήσιμα εἶναι
πιστεύεσθαι οὕτως ἔχειν, ἔχουσι
πειθομένους τοὺς χρωμένους

τῷ νόμῳ
διὰ τὴν τῶν λεγομένων συντρο-
φίαν,

οἶον ὅτι αὐτόχθονές τινες ἐγέ-
νοντο ἐκ τῆς γῆς φύντες, καὶ ἄλλοι
ὅτι ἐξ ὀδόντων σπαρέντων ἔφυ-
σαν, καὶ διὰ τοῦτο

χρῆ ὑπερμαχεῖν

ὥς μητρὸς τῆς γῆς,
ἢ ὅτι θεοὶ περὶ αὐτῆς ἤρισαν.

'Recensio altera'

τοῦτο εἰπὼν ἐφεξῆς δείκνυσι πό-
σιν ισχὺν ἔχει τὰ συνήθη. πολλὰ
γὰρ οἱ νομοθέται μυθώδη νομοθε-
τοῦντες διὰ τὸ χρήσιμα εἶναι

πιστεύεσθαι ἐν ταῖς πόλεσιν οὕτως
ἔχειν, πειθομένους ἔχειν τοὺς χρω-
μένους τῷ νόμῳ διὰ τὴν τῶν λεγο-
μένων συντροφίαν τε καὶ συνήθει-
αν· πολλὰ γὰρ γελοῖα λέγουσι,

οἶον ὅτι αὐτόχθονές εἰσιν ἄνθρω-
ποι φύντες ἐκ τῆς γῆς καὶ ἄλλοι
ὅτι ἐξ ὀδόντων σπαρέντων ἔφυσαν
γίγαντες. τοῦτο δὲ ἐσκόπουν οἱ νο-
μοθέται συμφέρον εἶναι ταῖς πόλε-
σιν, τὸ (τῷ corr. Hayduck) ὑπερ-
μαχεῖν τοὺς πολίτας τῆς πατρίδος
καὶ προκινδυνεύειν αὐτῆς

ὥς μητρὸς καὶ τιθίνης. ἢ καὶ ἄλλοι
τι, ὅτι θεοὶ περὶ αὐτῆς ἐμαχέσα-
ντο, ὥς τὸν Ἀρεά τε καὶ τὸν Ἀλιο-
ρόθιον ὑπὲρ τῆς τῶν Ἀθηναίων
γῆς ἐρίσαντάς φασιν.

Voilà donc quelques exemples de restructuration et de propos différents par rapport au Commentaire d'Alexandre. Chose guère étonnante dans la littérature exégétique, le Commentaire d'Alexandre n'a pas été le seul instrument de travail pour le professeur anonyme. Dans le passage suivant, on le voit combiner l'exégèse d'Alexandre avec celle d'Asclépius :

ALEXANDRE D'APHRODISE,
In Meta., 33.27-34.6

τούτους μὲν οὖν φησιν, Ἐμπε-
δοκλέα τε καὶ Ἀναξαγόραν, ἔτι
δὲ Ἐρμότιμον καὶ τῶν ποιητῶν
Ἡσίοδον τε καὶ Παρμενίδην, πρὸς
τῇ ὑλικῇ αἰτίᾳ ποιητικῆς μνημο-
νεῦσαι αἰτίας· ἃ ἐν τοῖς ὑφ' ἡμῶν,

'Recensio altera'

{985a18} Ἀναξαγόρας τε γὰρ
μηχανῇ χρῆται τῷ νῷ πρὸς
τὴν κοσμοποιίαν.

Τῶν πρὸς τῷ ὑλικῷ αἰτίᾳ ἐν τῇ
τῶν ὄντων γενέσει παραλαμβανό-
ντων καὶ τὸ ποιητικὸν μνημονεύ-

φησίν, ειρημένους ἐν τοῖς Περι φύ-
σεως καὶ αὐτὰ ἐστὶ καὶ οὐκ ἔξω
ἐκείνων πίπτει· οὐκ ἐναργῶς μέ-
ντοι,

ἀλλ' ἀμυδρῶς καὶ ἐπ' ὀλίγον
χρησασθαι τῷ ποιητικῷ αἰτίῳ.
καὶ ὅτι οὕτως ἐποιοῦν, παρέθε-
τό τε καὶ ἔδειξεν εἰπὼν «σχεδὸν
γὰρ οὐθὲν χρώμενοι φαίνονται
τούτοις ἀλλὰ κατὰ μικρόν».

Alexandre d'Aphrodise, *In Meta.*,
35.1-3

[...] μηχανὴ δὲ τῷ νῷ Ἀναξα-
γόραν εἶπε χρησθαι, ὡς ἐν ταῖς
τραγωδίαις οἱ θεοὶ παράγονται
ἀπὸ μηχανῆς ἐν τοῖς ἀπόροις.

Asclépius, *In Meta.*, 32.2-14

[...] μηχανῇ δὲ τὸν Ἀναξαγόραν
εἶπε τῷ νῷ χρησθαι, ὥσπερ ἐν ταῖς
τραγωδίαις οἱ δαίμονες παράγο-
νται ἀπὸ μηχανῆς [καὶ] ἐν τοῖς
ἀπόροις,

«οἶον» ἐν τῷ Ἰπολύτῳ ἐφάνη ἡ
Ἄρτεμις ἀποροῦντι τῷ Θησεῖ·
οὕτως οὖν καὶ ὁ Ἀναξαγόρας
ἡνίκα ἀπορεῖ πρὸς τὴν κοσμο-
ποιᾶν διὰ τινα αἰτίαν ἐξ ἀνάγκης,
τότε ἔλκει τὸν νοῦν.

ἐν δὲ τοῖς κατὰ μέρος πάντα μάλ-
λον αἰτιάται ἥπερ τὸν νοῦν.

Ἐμπεδοκλῆς δὲ πλέον μὲν ἢ κατὰ
Ἀναξαγόραν κέχρηται τοῖς ποιητι-
κοῖς αἰτίοις, οὐ

μὴν οὐδὲ οὕτως ἱκανῶς λέγει.

σας, λέγει καὶ τούτους ὅτι εἰ καὶ
τὸ ποιητικὸν παραλαμβάνονται
αἷτιον ἐν τῇ τῶν ὄντων γενέσει,
ἀλλ' οὐκ ἱκανῶς τοῦτο, ὥστε ὅσα-
χῶς τὸ ὑλικὸν πάσχον, τοσαυτα-
χῶς καὶ τὸ ποιητικὸν ποιοῦν πα-
ραλαμβάνειν, ἀλλὰ τὴν διατριβὴν
ὡς ἐπὶ τὸ πολὺ ἐποιοῦντο περὶ τὸ
ὑλικόν, καὶ ἐκεῖνο μᾶλλον αἷτιον
ἐτίθουν τῆς τῶν ὄντων γενέσεως
τε καὶ ὑπάρξεως. ἀμυδρῶς δὲ καὶ
ἐν τοῖς ἀπόροις ἐφ' ὧν οὐκ εἶχον
αἰτίαν ἐκ τοῦ ὑλικοῦ αἰτίου ἀπο-
δοῦναι, ἐμέμνητο τοῦ ποιητικοῦ·

διὸ καὶ φησὶν ὅτι Ἀναξαγόρας τε
μηχανῇ χρηταί τῷ νῷ πρὸς τὴν
κοσμοποιᾶν, καὶ ὅταν ἀπορήσῃ
παρέλκει αὐτόν.

εἶπε δὲ μηχανῇ χρησθαι ὡς ἐν ταῖς
τραγωδίαις ἐποιοῦν οἱ ἐν τῇ σκη-
νῇ τοὺς θεοὺς παράγοντες ἐν ταῖς
ἀπορίαις

πρὸς ἀντίληψιν τῶν ἀπο-
ρουμένων,

οἶον ἐν τῷ Ἰπολύτῳ ἐφάνη ἡ Ἄρ-
τεμις ἀποροῦντι τῷ Θησεῖ· οὕτως
οὖν καὶ ὁ Ἀναξαγόρας ἡνίκα ἀπο-
ρεῖ πρὸς τὴν κοσμοποιᾶν διὰ τινα
ποτ' αἰτίαν ἐξ ἀνάγκης ἐστὶ, τότε
ἔλκει τὸν νοῦν, λέγων αὐτὸν αἷτιον
εἶναι. ἐν δὲ τοῖς κατὰ μέρος πάντα
μᾶλλον αἰτιάται ἥπερ τὸν νοῦν.
Ἐμπεδοκλῆς δὲ ἐπὶ πλέον μὲν ἢ
Ἀναξαγόρου χρηταί τοῖς ποιητι-
κοῖς τῇ τε φιλία καὶ τῷ νείκει, οὐ
μὴν οὐδ' αὐτὸς οὔτε ἱκανῶς ὥστε
τὰς ἀποδόσεις τῶν αἰτίων τοῖς
ποιητικοῖς ἀποδιδόναι, οὔτε τὸ
ἀκόλουθόν τε καὶ ὁμολογούμενον

φησὶ γὰρ τὴν φιλίαν συγκρίσεως εἶναι αἰτίαν, τὸ δὲ νεῖκος διακρίσεως, πολλάκις δὲ τὸ ἐναντίον ὁρώμεν γινόμενον τὴν φιλίαν διακρίσεως· αὕτη γὰρ διακρίνει τὰ εἶδη ἐκ τῆς ὕλης κατ' αὐτὸν καὶ ποιεῖ τὸν σφαῖρον. πάλιν τὸ νεῖκος συγκρίνει τὰ στοιχεῖα· τὸ γὰρ πῦρ τὸ τῆδε κάκεισε ὑπάρχον εἰς ἓν συνάγει, καὶ τὰ εἶδη πάλιν τῇ ὕλῃ ἐπιτίθουσιν.

ALEXANDRE D'APHRODISE,
In Meta., 34.6-10

μαρτυρεῖ δὲ Ἐμπεδοκλεῖ ὡς πρῶτῳ τε διελόντι ποιητικὸν αἴτιον καὶ ταῖς ὑλिकाῖς ἀρχαῖς καὶ στοιχείοις τοῖς τέτταρσι σώμασι κεχρημένῳ· οὐ μὴν ἰσοτιμίας αὐτοῖς διδόναι φησὶν αὐτόν, ἀλλὰ τῷ πυρὶ τὰ ἄλλα ἀντιτιθέναι ὡς μίαν τινὰ φύσιν ὄντα τὰ τρία, ὡς εἶναι φησι δῆλον ἐκ τῶν ἐπὼν αὐτῶν.

σώζει, ἀλλὰ πολλαχοῦ μετατρέπει τὴν τάξιν καὶ τὰ προσήκοντα τῇ φιλίᾳ ἀποδίδωσι τῷ νεῖκει, τὰ δὲ τῷ νεῖκει τῇ φιλίᾳ.

φησὶ γὰρ τὴν φιλίαν συγκρίσεως αἰτίαν εἶναι, τὸ δὲ νεῖκος διακρίσεως, ὁρώμεν δὲ τὸ ἐναντίον πολλάκις γινόμενον, τὴν μὲν φιλίαν διακρίσεως αἰτίαν· αὕτη γὰρ διακρίνει τὰ εἶδη ἐκ τῆς ὕλης κατ' αὐτὸν καὶ ποιεῖ τὸν σφαῖρον, καὶ πάλιν συγκρίνει τὸ νεῖκος τὰ στοιχεῖα· τὸ γὰρ πῦρ τὸ τῆδε κάκεισε καὶ διεσπάρμενον ὑπάρχον ἐν τῷ σφαίρῳ συνάγει εἰς ἓν, καὶ τὰ εἶδη ἐπιτίθουσιν καὶ συνάπτει τῇ ὕλῃ. πρῶτος οὖν οὗτος Ἐμπεδοκλῆς ἐναντίας ποιητικὰς ἀρχὰς εἰσήνεγκεν ἥτοι ἐνενόησεν ἐν τῷ παντὶ καὶ ἀντικειμέναις ἀλλήλαις, τὴν μὲν φιλίαν ἐνώσεως αἰτίαν τὸ δὲ νεῖκος διακρίσεως, καὶ τὴν μὲν τῶν ἀγαθῶν, εἴπερ τὸ ἀγαθὸν συναφείας αἴτιον, τὸ δὲ τῶν κακῶν, εἴπερ τὸ κακὸν διαστάσεως αἴτιον· καὶ τὸ μὲν σώζον, τὸ δὲ διαφθεῖρον. μαρτυρεῖ οὖν αὐτῷ ὡς πρῶτῳ τε διελόντι ποιητικὸν αἴτιον καὶ ταῖς ὑλिकाῖς ἀρχαῖς καὶ στοιχείοις τοῖς τέσσαρσι σώμασι χρησαμένῳ· οὐ μὴν ἰσοτιμίαν αὐτοῖς διδόναι φησὶν αὐτόν, ἀλλὰ τῷ πυρὶ τὰ ἄλλα ἀντιτιθέναι ὡς μίαν τινὰ φύσιν ὄντα τὰ τρία, ὡς εἶναι φησι δῆλον ἐκ τῶν ἐπὼν αὐτῶν.

Dans le commentaire au livre V (Δ) de la *Métaphysique*, on trouve une longue explication qui est issue d'un collage de deux passages d'Asclépius, séparés par une phrase de transition :

ASCLÉPIUS, *In Meta.*,
352.26-354.5

[...] διό, φησίν, ὁ ἐν τῷ Ἰππία τῷ διαλόγῳ συλλογιζόμενος παραλογίζεται ἡμᾶς· ἐκέισε γὰρ πειράται δεικνύναι

ὁ Πλάτων ὅτι ὁ ἐκὼν ψευδόμενος κρείττων ἐστὶ τοῦ ἄκοντος ψευδομένου, ὥσπερ καὶ ὁ ἐκὼν χωλεῦν τοῦ ἄκοντος χωλεύοντος. ὥστε κατὰ γε τοῦτον τὸν λόγον ὁ ἐκὼν πηρώσας τοὺς πόδας κρείττων ἐστὶν τοῦ ἄκοντος τοῦτο ὑπομείναντος, ὅπερ οὐκ ἔστι. φαμέν οὖν ὅτι ὁ Πλάτων τοῦτο εἶπεν ἐπὶ συμφέροντι, ὅτι ὁ ἐκὼν ψευδόμενος ἐπὶ συμφέροντι, ὥσπερ ἐπὶ τῶν ψευσαμένων τὸ Φοινίκιον ψεῦσμα καὶ εἰπόντων ὅτι αὐτόχθονες ὑπάρχουσιν οἱ πολῖται, ἵνα μάλλον γένωνται ἐρασταὶ τῆς πόλεως· ἐπεὶ ὁ ἐπὶ βλάβῃ ψευδόμενος ὁμολογουμένως χείρων ἐστὶ τοῦ ἄκοντος ψευδομένου.

Asclépius, *In Meta.*, 356.2-357.1 ὅτι τὸ ψεῦδος λέγεται ἕνα μὲν τρόπον ὡς πρᾶγμα ψεῦδος· καὶ τούτου τὸ μὲν τῷ μὴ συγκεῖσθαι ἢ ἀδύνατον εἶναι συντεθῆναι (ἀπλὴν γὰρ φύσιν δηλοῖ τὸ ψεῦδος ἐπὶ τῶν πραγμάτων), ὥσπερ λέγεται τὴν διάμετρον εἶναι σύμμετρον ἢ τὸ σὲ καθεῖσθαι. τούτων γὰρ τὸ μὲν αἰδίων ψεῦδος τὸ τῆς διαμέτρου, τὸ δὲ οὐκ αἰδίων τὸ τοῦ καθεῖσθαι· οὕτω γὰρ ὑπάρχουσι ταῦτα οὐκ ὄντα. τὰ δὲ λέγεται εἶναι ψευδῆ...

'Recensio altera'

[...] διό, φησίν, ὁ ἐν τῷ Ἰππία τῷ διαλόγῳ συλλογιζόμενος παραλογίζεται ἡμᾶς· ἐκέισε γὰρ πειράται δεικνύναι ἡμῖν (scripsi : ἡμᾶς codd.) ὁ Πλάτων ὡς ὅτι ὁ ἐκὼν ψευδόμενος κρείττων ἐστὶ τοῦ ἄκοντος ψευδομένου, ὥσπερ καὶ ὁ ἐκὼν χωλεῦν τοῦ ἄκοντος χωλεύοντος. ὥστε κατὰ γε τοῦτον τὸν λόγον ὁ ἐκὼν πηρώσας τοὺς πόδας κρείττων ἐστὶν τοῦ ἄκοντος τοῦτο ὑπομείναντος, ὅπερ οὐκ ἔστι. φαμέν οὖν ὅτι ὁ Πλάτων τοῦτο εἶπεν ἐπὶ συμφέροντι, ὅτι ὁ ἐκὼν ψευδόμενος ἐπὶ συμφέροντι, ὥσπερ ἐπὶ τῶν ψευσαμένων τὸ Φοινίκιον ψεῦσμα καὶ εἰπόντων ὅτι αὐτόχθονες ὑπάρχουσιν οἱ πολῖται, ἵνα μάλλον γένωνται ἐρασταὶ τῆς πόλεως· ἐπεὶ ὁ ἐπὶ βλάβῃ ψευδόμενος ὁμολογουμένως χείρων ἐστὶ τοῦ ἄκοντος ψευδομένου. καὶ οὕτω μὲν ἢ τῆς θεωρίας ἀκολουθία· πρὸς δὲ λέξιν οὕτως ἔχει, ὅτι τὸ ψεῦδος λέγεται ἄλλον μὲν τρόπον ὡς πρᾶγμα ψεῦδος· καὶ τούτου τὸ μὲν τῷ μὴ συγκεῖσθαι ἢ ἀδύνατον εἶναι συντεθῆναι (ἀπλὴν γὰρ φύσιν δηλοῖ τὸ ψεῦδος ἐπὶ τῶν πραγμάτων), ὥσπερ λέγεται τὴν διάμετρον εἶναι σύμμετρον ἢ τὸ σὲ καθεῖσθαι. τούτων γὰρ τὸ μὲν αἰδίων ψεῦδος τὸ τῆς διαμέτρου, τὸ δὲ οὐκ αἰδίων τὸ τοῦ καθεῖσθαι· οὕτω γὰρ ὑπάρχουσι ταῦτα οὐκ ὄντα. τὰ δὲ λέγεται εἶναι ψευδῆ...

La composition de ce passage fournit un *terminus post quem* pour l'activité de notre commentateur, à savoir le Commentaire d'Asclépius qui a été composé dans les premières décennies du VI^e siècle. Il est possible de préciser davantage l'époque et, peut-être, le lieu de son activité grâce aux deux termes, *theōria* et *lexis*, qui apparaissent dans la phrase de transition. Il s'agit de termes techniques qui désignent l'exégèse à deux volets (la *theōria* correspondant à l'explication préliminaire et générale d'un passage, la *lexis* à l'examen de sa lettre), qui a été largement pratiquée à l'École platonicienne d'Alexandrie aux VI^e et VII^e siècles.¹⁵ L'orientation platonicienne de notre professeur est également visible dans le cas suivant, où des références aux personnages des dialogues homonymes de Platon sont intégrées dans le texte :

ALEXANDRE D'APHRODISE,
In Meta., 49.20-50.3

'Recensio altera'

καὶ λέγει πόθεν ἐκινήθη ἐπὶ τὸ
ιδέας θέσθαι, καὶ ἰστορεῖ ὅτι παρὰ
μὲν Κρατύλου

ἔλαβε, συνήθης αὐ-
τῷ γενόμενος ὄντι Ἡρακλείτῳ,
ὅτι πάντα τὰ αἰσθητὰ ἐν ῥύσει ἐστὶ
καὶ οὐδέποτε ἴστανται, καὶ ταύτην
ἐφύλαξε τὴν δόξαν

ὥς ἀληθῆ.
Σωκράτους δὲ ἐν τοῖς ἠθικοῖς πε-
πραγματουμένου καὶ τὸ καθόλου
ζητοῦντος (διαλαμβάνων γὰρ περὶ
καλοῦ ἢ τινος ἄλλου

ἐξήτει καθόλου τί τὸ καλὸν ἐστίν,
οὐ τότε τὸ καλὸν

λαμβάνων),

καὶ ὁρίζεσθαι τὸ
προκείμενον ἀεὶ περὶ τὸν...

καὶ λέγει πόθεν ὁ Πλάτων ἐκινήθη
ἐπὶ τὸ ιδέας θέσθαι, καὶ ἰστορεῖ ὅτι
παρὰ μὲν Κρατύλου Ἡρακλείτου
ἀκουστοῦ γεγονότος· συνήθης
αὐτῷ γενόμενος τῷ Κρατύλῳ
ἔλαβεν ὅτι πάντα τὰ αἰσθητὰ ἐν
ῥύσει ἐστὶ καὶ οὐδέποτε ἴστανται,
καὶ ταύτην ἐφύλαξε τὴν δόξαν ὁ
Πλάτων περὶ τῶν αἰσθητῶν μέχρι
παντὸς ὥς ἀληθῆ.

Σωκράτους δὲ ἐν τοῖς ἠθικοῖς πε-
πραγματουμένου καὶ ἐν αὐτοῖς
τὸ καθόλου ζητοῦντος (διαλαμ-
βάνων γὰρ περὶ τοῦ καλοῦ ἢ τινος
ἄλλου, οἷον περὶ τοῦ δικαίου,
ἐξήτει καθόλου τί τὸ καλὸν ἐστίν
<καὶ> τί τὸ δίκαιον, οὐ τότε τὸ
καλόν, <τὸ> ἐν Ἀλκιβιάδῃ τυχόν,
λαμβάνων ἢ τότε τὸ δίκαιον τὸ ἐν
τῷ Εὐθύφρονι),¹⁶ καὶ ὁρίζεσθαι τὸ
προκείμενον ἀεὶ περὶ τὸν...

¹⁵ Voir Golitsis 2008a, p. 55-61.

¹⁶ Cf. aussi Hayduck 1891, ad 82.11-12 : καὶ εἰ συνωνύμως, ἢ κυρίως ἐκείνω λέ-
γεται εἶναι τὰ καθ' ὧν κατηγορεῖται, οἷον ἀνθρώποι Καλλίας καὶ Θεαίτητος...

Mais il s'agit plutôt d'un 'platonisme modéré' de la part de notre professeur, qui est selon toute probabilité chrétien. On remarquera dans le passage suivant la suppression subtile du mot *θεῖος* comme adjectif qualificatif de Platon, ainsi que le remplacement du mot *ἀγαθότητος* par le mot d'allure chrétienne *δωρεᾶς*¹⁷ :

ALEXANDRE D'APHRODISE,
In Meta., 18.2-5

ἀλλ' «οὔτε τὸ θεῖον ἐνδέχεται φθονερὸν εἶναι» (φθόνος γάρ, ὥς φησιν ὁ θεῖος Πλάτων, ἔξω θείου χοροῦ), ἀλλὰ «πολλὰ ψεύδονται αἰδιοί», ἐν οἷς καὶ τοῦτο, οὔτε τινὰ τῆς τοιαύτης ἐπιστήμης ἡγή-
τέον εἶναι τιμωτέραν.

Asclépius, *In Meta.*, 21.18-27

πὼς οὖν εἶναι δυνατὸν τὸν θεὸν φθονερὸν, ὄντα πηγὴν ἀγαθότη-
τος, καὶ ἐξ οὗ πάντα τοῖς ἄλ-
λοις χορηγοῦνται, ὥς φησι καὶ ὁ
Πλάτων, ὅτι διὰ τὴν αὐτοῦ ἀγα-
θότητα ὁ θεὸς τὰ πάντα παρή-
γαγεν· «ἀγαθὸς γὰρ ἦν, ἀγαθὸς
δὲ περὶ οὐδενὸς οὐδεὶς ἐγγίνεται
φθόνος.» πὼς οὖν δυνατὸν τὴν
πηγὴν τῆς ἀγαθότητος φθονεῖν;
οὐ δεῖ οὖν τῆς πρωτίστης ἐπι-
στήμης νομίζειν εἶναι τιμωτέραν·
θειοτάτη γὰρ ἐστὶ καὶ τιμωτάτη

'Recensio altera'

ἀλλ' οὔτε τὸ θεῖον φθονερὸν·
πόρρω γὰρ ἐστίν, ὥς φησιν ὁ
Πλάτων, ὁ φθόνος θείου
χοροῦ· ὁ γὰρ φθόνος γίνεται διὰ
τὸ ὄραν τοὺς πέλας ἡμῶν κρείττο-
νας ὄντας.¹⁸

πὼς οὖν εἶναι δυνατὸν τὸν θεὸν
φθονερὸν, ὄντα πηγὴν ἀγαθότη-
τος ἐξ οὗ πάντα τοῖς ἄλλοις
χορηγοῦνται, ὥς φησι καὶ ὁ
Πλάτων, ὅτι διὰ τὴν αὐτοῦ ἀγα-
θότητα ὁ θεὸς παρήγαγε τὰ πά-
ντα· «ἀγαθὸς γὰρ ἦν, ἀγαθὸς
δὲ περὶ οὐδενὸς οὐδεὶς ἐγγίνε-
ται φθόνος.» πὼς οὖν δυνατὸν
τὴν πηγὴν τῆς δωρεᾶς φθονεῖν;
οὐ δεῖ οὖν νομίζειν τῆς πρωτί-
στης ἐπιστήμης εἶναι τιμωτέραν·
θειοτάτη γὰρ ἐστὶ καὶ τιμωτάτη

¹⁷ Cf., à titre indicatif, Jean Chrysostome, *In Joannem homiliae*, 91.31-39 (Patrologia Graeca 59): Οὐ μεθεκτὴν, φησὶν, ἔχει τὴν δωρεάν, ἀλλ' αὐτο-
πηγὴ καὶ αὐτόριζα ἐστὶ πάντων τῶν καλῶν, αὐτοζωὴ καὶ αὐτοφῶς καὶ αὐτο-
αλήθεια· οὐκ ἐν ἑαυτῷ συνέχων τῶν ἀγαθῶν τὸν πλοῦτον, ἀλλὰ καὶ εἰς τοὺς
ἄλλους ἅπαντας ὑπερβλύζων αὐτόν, καὶ μετὰ τὸ ὑπερβλῦσαι μένων πλή-
ρης· ἐν οὐδενὶ γὰρ ἐλαττούμενος ἐκ τῆς εἰς ἐτέρους χορηγίας, ἀλλ' αἰετὶ πηγά-
ζων καὶ πᾶσι τούτων μεταδιδούς τῶν καλῶν, ἐπὶ τῆς αὐτῆς μένει τελειότητος.

¹⁸ Cf. Simplicius, *In Epicteti Encheiridion*, 56.45-48 Dübner: Διὸ οἱ μὲν ἀτο-
νώτεροι τὴν φύσιν, καὶ προκόπτειν αὐτοὶ μὴ ἰσχύοντες, τῇ καθαιρέσει τῶν πέλας
παρισυῶσθαι ἢ ὑπερέχειν αὐτῶν βούλονται, καὶ λυποῦνται ἐπὶ ταῖς τῶν πέλας εὐ-
πραγίαις· καὶ ἐστὶ τοῦτο φθόνος.

κατὰ δύο τρόπους, καὶ ὅτι ὁ θεὸς
αὐτὴν ἐπίσταται, καὶ ὅτι δι' αὐτῆς
ἔστι, φησί, γινῶναι τὸν θεόν. διό
φησι “θεία ἐστὶ τῶν ἐπιστημῶν,
ἣν ὁ θεὸς οἶδεν”. ταύτην δὲ οἶδεν
ὡς ἔχουσιν παρ' αὐτῇ τὰς ἀρχὰς
τῶν ὄντων.

κατὰ δύο τρόπους, καὶ ὅτι ὁ θεὸς
αὐτὴν ἐπίσταται, καὶ ὅτι δι' αὐτῆς
ἔστι, φησί, γινῶναι τὸν θεόν. διό
φησιν ὅτι θεία ἐστὶ τῶν ἐπιστημῶν,
ἣν ὁ θεὸς οἶδε, ταύτην δὲ οἶδεν
ὡς ἔχουσιν παρ' αὐτῇ τὰς ἀρχὰς
τῶν ὄντων.

On pourrait aisément donner davantage d'exemples, mais ce serait superflu.¹⁹ Nouveau découpage du texte à commenter, simplification de même que clarification de l'exégèse fournie par Alexandre, emploi du Commentaire d'Asclépius en vue d'une 'mise à jour' platonicienne du commentaire de l'exégète péripatéticien, adaptation chrétienne de ces deux outils de travail, autant de caractéristiques qui parlent en faveur non pas d'une 'interprétation' du Commentaire d'Alexandre mais d'une composition d'un nouveau Commentaire sur la *Métaphysique*, qui a été probablement réalisée dans le milieu des platoniciens chrétiens venant d'Alexandrie à l'extrême fin de l'antiquité. Ceci est davantage confirmé par la transmission proprement byzantine de ce Commentaire.

2. *Adaptation et réactualisation :* *une attitude persistante ?*

Ainsi composé,²⁰ le nouveau Commentaire sur la *Métaphysique* a par la suite trouvé son chemin vers les *scriptoria* constantinopoli-

¹⁹ Notons, néanmoins, qu'en commentant 990b 8-9 (ἔτι δὲ καθ' οὓς τρόπους δείκνυμεν ὅτι ἔστι τὰ εἶδη, κατ' οὐθένα φαίνεται τούτων), où Aristote parle comme platonicien, le professeur anonyme ajoute aux propos d'Alexandre 'οὐ γὰρ ὡς ἄλλοις ἀντιλέγων λόγοις καὶ δόγμασιν, ἀλλ' ὡς οἰκεῖαν δόξαν βασιλεύων τε καὶ ἐξετάζων, οὕτως ποιεῖται τὴν ἀντιλογίαν τῆς τοῦ ἀληθοῦς εὐρέσεως χάριν' (78.2-4) la précision suivante : διὸ καὶ κοινοποιεῖται το δόγμα τοῦ Πλατωνικοῦ γὰρ ἦν καὶ αὐτὸς ἀκροατηρίου. Cette 'platonisation' d'Aristote confirme la provenance néoplatonicienne de notre professeur.

²⁰ Se pose naturellement la question de savoir quelle était l'étendue du Commentaire. Hayduck (1891, p. xi) considère curieusement qu'à partir du livre III (B) le Laur. arrête de transmettre la *recensio altera* ; on retrouve pourtant au livre V (Δ) l'apparat dans lequel est consignée l'*alterius recensiois gravior discrepantia*. Quoi qu'il en soit, le fait que les 'discrepances' entre le texte transmis par le Laur. (et l'Ambr.) et le texte transmis par les autres manuscrits ne sont pas pour les

tains, où les deux manuscrits, à savoir le Laur. 87,12 et l'Ambr. F 113 sup., ont été vraisemblablement produits, le premier vers la fin du XI^e siècle, le deuxième vers le milieu du XIV^e. Plusieurs leçons séparatives suggèrent que les deux manuscrits byzantins sont indépendants l'un de l'autre.²¹ Je n'en retiendrai ici que l'incorporation en position légèrement différente d'une scholie marginale de provenance selon toute vraisemblance antique ou pro-

livres III (B) et IV (Γ) aussi 'graves' qu'elles le sont pour les livres I (A), II (α) et V (Δ) ne signifie pas que la 'recomposition' du Commentaire d'Alexandre par le professeur anonyme a été partielle ; elle a été sélective, la sélectivité n'affectant évidemment pas la continuité de la nouvelle composition. Un bon nombre des *variae lectiones* pour ces livres, consignées par Hayduck dans l'apparat critique habituel, sont sans doute des retouches du professeur anonyme (voir p. ex. ad 196.1-2, 202.11-12, 205.15-16, 222.12-13). Voir aussi plus bas, p. 227-228.

²¹ Ceci est également soutenu par Dieter Harlfinger (voir Leszl-Harlfinger 1975, p. 18-19), et est davantage confirmé, quant au texte de la *Métaphysique* que les deux manuscrits transmettent séparément, par Harlfinger 1979. Il faut pourtant prudemment dissocier le texte de la *Métaphysique* transmis par les deux manuscrits d'avec le texte de la *Métaphysique* à la base duquel le Commentaire anonyme a été *originellement* composé ; en effet, les deux manuscrits sont des témoins de la famille β de la *Métaphysique*, tandis que le professeur anonyme a commenté un texte qui appartenait plutôt à la famille α. Cela se voit clairement en 990b 8-9 (voir n. 19), où le professeur explique la leçon δείνυμεν, transmise par la famille α, tandis que les deux manuscrits transmettent la leçon δείννται de la famille β. De même, en 991b 3, le professeur commente le texte tel qu'il est transmis par la famille α (ἐν δὲ τῷ Φαίδωνι οὕτω λέγουμεν ; la famille β transmet la variante ἐν δὲ τῷ Φαίδωνι οὕτω λέγεται) : κοινούται πάλιν τὸ δόγμα, διὸ καὶ 'λέγομεν' εἶπεν, ἀλλ' οὐ 'λέγεται'. Pareillement encore en 992a 11 (τίθεμεν α : τίθεται β) : ὡς ἰδίαν εὐθύνων τὴν δόξαν εἰρηκε τὸ 'τίθεμεν' κοινοποιεῖται γάρ, ὡς πολλάκις εἰρηται, τὸ δόγμα ὡς τοῦ αὐτοῦ ἀκροατηρίου τυγχάνων. L'association du Commentaire anonyme avec le texte β de la *Métaphysique* est à expliquer sur la base de sa continuation (voir plus bas) qui, elle, est partiellement fondée sur le texte β. Que le texte β n'allait originellement pas de pair avec le Commentaire anonyme est également suggéré par le fragment Y de la *Métaphysique* (Paris, Bibliothèque nationale de France, Suppl. Gr. 687), confectionné vers la fin du IX^e siècle, qui transmet le texte β de la *Métaphysique* sans commentaire. Le même fragment suggère aussi que le texte β est antérieur à la continuation du Commentaire anonyme. Toutefois, le texte α commenté par le professeur anonyme (=α²) n'est pas identique non plus au texte α des manuscrits byzantins (=α³) ; cf., à titre indicatif, 985a 10 καὶ τῶν κακῶν τὸ κακόν α³ Ascl. : om. β α² Alex. Anon. ; 987b 10 συνωνύμων ὁμώνυμα α³ : συνωνύμων β α² Alex. Ascl. Anon.). Mais il n'est même pas identique au texte α utilisé par Alexandre (=α¹) ; cf. 984a 32-33 τοῦτο μὲν γὰρ ἀρχαῖόν τε καὶ πάντες ὁμολόγησαν α² Ascl. Anon. : om. β α¹ Alex. ; 993a 5 ζα α¹ Alex. Anon. : σμα α² α³ β Ascl. Anon. On en déduira que, à part α², α¹ était également connu du professeur anonyme, peut-être par le biais du commentaire d'Alexandre. Sur les deux familles α et β du texte de la *Métaphysique* voir maintenant Primavesi 2012.

tobyzantine (étant donné que la thymèle ne peut pas concerner la réalité théâtrale byzantine) :

Laur. 87,12, fol. 142v-143r

οὐδείς γὰρ τῶν ταῦτα λεγόντων ἐν
Λιβύῃ ὦν, ὄναρ αὐτὸν εἰ δηλώσει
ἐν Ἀθήναις εἶναι, ἐπὶ τὸ Ἀθήνη-
σιν· ῥῳδεῖον δὲ καλεῖται μέρος τι
τοῦ θεάτρου, ὅπερ νῦν θυμέλη κα-
λεῖται· ῥῳδεῖον ἐπείγεται, ἀλλ' εἰσὶ
πεπεισμένοι ὅτι ὁ μὲν εἶδεν ὄναρ
ψευδὲς ἦν, τὸ δὲ ἐγρηγοροῦσι φαι-
νόμενον αὐτοῖς ἀληθὲς τίθενται.

Ambr. F 113 sup., fol. 66^v

οὐδείς γὰρ τῶν ταῦτα λεγόντων ἐν
Λιβύῃ ὦν, ὄναρ αὐτὸν εἰ δηλώσει
ἐν Ἀθήναις εἶναι, ἐπὶ τὸ Ἀθήνησιν
ῥῳδεῖον ἐπείγεται · ῥῳδεῖον δὲ ἐκα-
λεῖτο μέρος τι τοῦ θεάτρου, ὅπερ
νῦν θυμέλη καλεῖται.²² ἀλλ' εἰσὶ
πεπεισμένοι ὅτι ὁ μὲν εἶδεν ὄναρ
ψευδὲς ἦν, τὸ δὲ ἐγρηγοροῦσι φαι-
νόμενον αὐτοῖς ἀληθὲς τίθενται.

L'examen philologique peut confirmer davantage l'origine protobyzantine du Commentaire anonyme. En effet, une corruption textuelle suggère que les deux manuscrits byzantins proviennent d'un archétype en majuscule (qui serait donc confectionné au VI^e ou au VII^e siècle), rédigé en *scriptio continua* et abîmé par le temps :

(Alexandre, 345.10-11 : καὶ αὐτῷ λεγομένῳ πολλαχῶς· διὸ οὐχὶ μαθηματικὸν ἢ τι τῶν τοιούτων)

(Anonyme : λεγομένῳ καὶ αὐτῷ πολλαχῶς· διὰ τοῦτο καὶ οὐχὶ μαθηματικὸν ἢ τι τῶν τοιούτων)

Cod. uncialis

ΛΕΓΟΜΕΝΩΙΚΑΙΑΥΤΩΠΟΛΛΑΧΩΣΔΙΑΤΟΥΤΟΚΑΙ-
ΟΥΧ[...][Θ].[Μ][...][Ο]ΝΗΤΙΤΩΝΤΟΙΟΥΤΩΝ

Cod. minusc. (Laur., Ambr.) λεγομένῳ καὶ αὐτῷ πολλαχῶς διὰ τοῦτο· καὶ οὐχ ὁ μόνῃ τί των τοιούτων

Les deux manuscrits sont pourtant loin de nous transmettre un texte identique. Tout au contraire, ils sont porteurs de textes issus des processus dynamiques, escamotés par le concept stabilisateur de *recensio*. Pour décrire ces processus, il faut maintenant tourner

²² Cf. Phrynichos, *Praeparatio sophistica*, 74.9-12: θυμέλη· νῦν μὲν θυμέλην καλοῦμεν τὴν τοῦ θεάτρου σκηνήν· καὶ ἔοικε παρὰ τὸ θῆναι κεκλησθαι ὁ τόπος οὗτος. Φερεκράτης δὲ τὰ θυλήματα, ἃ πέρ ἐστιν ἄλφιστα οἶνον καὶ ἐλαίῳ μεμαγμένα, ὡσαύτως καλεῖ θυμέλην.

notre regard sur la transmission du vrai Commentaire d'Alexandre.

Dans les deux témoins indépendants qui nous transmettent le texte d'Alexandre, à savoir les manuscrits Paris, Bibliothèque nationale de France, gr. 1876 et le Firenze, Biblioteca Medicea Laurenziana, plut. 85,1 (dit l'«Océan»), qui datent à mon avis des années 1270-1290, le Commentaire de l'exégète péripatéticien est présenté comme suit : ἀλεξάνδρου ἀφροδισιεύς ὑπόμνημα εἰς τὰ μετὰ τὰ φυσικὰ ἀριστοτέλους. τῶν εἰς δύο τὸ πρῶτον ('Commentaire d'Alexandre d'Aphrodise sur la *Métaphysique* d'Aristote ; des deux volumes le premier'); puis, en tête du livre Γ : τοῦ αὐτοῦ εἰς το γ' τῶν μετὰ τὰ φυσικὰ ἀριστοτέλους ὑπόμνημα τῶν εἰς δύο τὸ β' ('Du même auteur, commentaire sur le livre IV de la *Métaphysique* d'Aristote ; des deux volumes le second'). Ces intitulés nous font d'emblée voir une édition en deux volumes, le premier contenant le commentaire d'Alexandre aux livres A, α et B de la *Métaphysique*, le deuxième le commentaire sur les livres Γ et Δ, édition qui était l'archétype des deux manuscrits du XIII^e siècle.²³ En plus, ils nous font comprendre qu'à l'époque de la production de cette édition le Commentaire d'Alexandre n'était pas disponible dans son intégralité : seuls les livres A à Δ en étaient conservés. D'où le souci de produire à Byzance une continuation du commentaire mutilé sur la *Métaphysique*, associée habituellement avec Anne Comnène et les deux philosophes travaillant sous ses ordres après 1118, à savoir Eustrate de Nicée et Michel l'Éphésien.²⁴ Cela est pourtant désormais contredit par la nouvelle datation du Laur. 87,12, proposée par Guglielmo Cavallo,²⁵ à la fin du XI^e siècle. Je m'explique : à partir du livre E et jusqu'à la fin de la *Métaphysique*, le Laur. 87,12 contient le Commentaire que le Par. gr. 1876 attribue à Michel ;²⁶ si donc cette attribution est

²³ Que le Par. gr. 1876 et le Laur. 85,1 sont indépendants l'un de l'autre est aussi suggéré par Harlfinger dans Leszl-Harlfinger 1975, p. 19-20.

²⁴ Voir Browning 1962. La reconstitution proposée par Browning est fondée sur le témoignage de Georges Tornikès (cf. Darrouzès 1970, 301.8-19), qui dit effectivement qu'Anne Comnène avait demandé à l'Éphésien la composition de commentaires sur des traités d'Aristote pour lesquels aucun commentaire antique n'avait survécu. Mais il faut prêter attention au fait que Tornikès ne précise pas quels étaient ces traités.

²⁵ Cavallo 2000, p. 233.

²⁶ L'«Océan» ne contient que le commentaire aux livres I à N, sans l'attribuer à un nom d'auteur. Cette lacune inattendue suggère l'existence du commentaire

correcte, Michel a produit sa continuation du Commentaire sur la *Métaphysique* au moins deux décennies avant que la princesse byzantine lance son propre projet exégétique.

Il ne faut surtout pas relancer le débat sur l'identité de l'auteur du Commentaire aux livres E-N de la *Métaphysique*. Baptisé pseudo-Alexandre par Karl Praechter,²⁷ cet auteur fut antérieur à Syrianus (m. c. 437) pour Leonardo Tarán,²⁸ dont les arguments ont été réfutés, une fois pour toutes, par Concetta Luna,²⁹ qui voit par contre en la personne de ce pseudo-Alexandre Michel l'Éphésien, en suivant le témoignage du Par. gr. 1876 et en corroborant la suggestion faite par Praechter. Par ailleurs, dans le bilan de ses Commentaires qu'il fait à la fin de son exégèse des *Parva naturalia*, Michel lui-même confirme *partiellement* le témoignage du Par. gr. 1876 :

τὰ μὲν οὖν Περί ζώων μορίων καὶ πορείας, ἔτι τὰ Περί μνήμης καὶ ἀναμνήσεως, Περί ζώων τε κινήσεως, καὶ Περί ζώων γενέσεως, τὰ τε Περί μακροβιότητος καὶ βραχυβιότητος, καὶ σὺν τούτοις τὰ Περί γήρως καὶ νεότητος, οὕτως ἔμοι σεσαφηνίσται κατὰ δύναμιν. παραιτοῦμαι δὲ τοὺς ἐντυγχάνοντας, εἰ μὲν εὐρίσκοιέν τινα ἐκ τούτων ὠφέλειαν, πολλὴν ἔχειν χάριν· εἰ δ' οὐ, ἀλλὰ γε οὐδὲ βλάβη τις αὐτοῖς ἐκ τούτων γενήσεται. γέγραπται δέ μοι καὶ εἰς τὰ Μετὰ τὰ φυσικὰ ἐξ αὐτοῦ τοῦ ζήτα ἕως τοῦ νϛ. λοιπὸν δ' ἐστὶ τὸ Περί χρωμάτων. ὅπερ ἦν δῶν θεός, ἀπ' ἄλλης ἀρχῆς σαφηνίσομεν.³⁰

'J'ai aussi écrit', dit donc Michel, 'un commentaire sur les livres Z à N de la *Métaphysique*'. La recherche moderne a trop hâtivement rejeté cette phrase comme une interpolation introduite par un copiste intelligent,³¹ lequel n'était pour autant pas très bien informé en matière des exégèses produites par Michel, étant donné que ce dernier a continué le commentaire sur la *Métaphysique* non pas à partir du livre Z mais à partir du livre E. On ne saurait désormais douter de l'authenticité du témoignage autobiographique de Mi-

aux livres E à N en deux volumes, dont le premier, qui contenait les livres E à Θ, n'était pas accessible aux copistes de l' 'Océan'.

²⁷ Praechter 1906, p. 882.

²⁸ Tarán 1987.

²⁹ Luna 2001.

³⁰ Wendland 1903, 149.8-149.16.

³¹ Voir p. ex. Tarán 1987, p. 232 ; Dillon & O'Meara 2006, p. 10.

chel. L'effet d'étrangeté que peut produire à certains lecteurs la mention de la *Métaphysique* parmi des Commentaires aux traités biologiques d'Aristote est à expliquer, à la lumière de la nouvelle datation proposée par Cavallo, par le fait que Michel se réfère, en vue de la complétude, à une exégèse qu'il avait anciennement rédigée, c'est-à-dire en dehors du projet lancé plus tard par Anne Comnène. Quant à sa propre affirmation que son commentaire à la *Métaphysique* commençait avec le livre Z et non pas avec le livre E, on ne l'attribuera surtout pas à un trou de mémoire ; elle trouve une confirmation indirecte dans deux scholies consignées dans les marges du manuscrit Paris, Bibliothèque nationale de France, gr. 1901, fol. 342^r et 345^r,³² auxquelles on n'a pas prêté suffisamment d'attention jusqu'à présent :

Scholie no. 1

« τοῦ Ἐφεσίου· τὰ σεσηπότα σώματα οὐχ ὡς ποιητὶ καὶ αἷτια προ-
 ὑφέστη· κεν » [[±30 lettres]] ἀλλ' ὡς ὑλικά· ὥστε [[±30 lettres]]
 « εἶχε· ἐκ τοῦ Ἀλεξάνδρου ἀληθεστάτην ἀπόδοσιν· ἀλλ' εἶθε
 ἐκεῖνος παρῆν, ὃν ὑμεῖς ἀπωλέσατε· οἱ γὰρ ῥαθυμότερον περὶ τὰ
 μαθήματα διακείμενοι· ὡς σαφεστέροις τῷ δοκεῖν καὶ ἐπιτομω-
 τέροις ὑμῖν ἐπιδραμόντες, ὑμᾶς ἐποίησαν διαφυλαχθῆναι· Ἀλέ-
 ξανδρὸς δὲ καὶ Σιμπλίκιος· καὶ τὸ λοῦπὸν ἅπαν χρυσοῦν
 ἐκεῖνο τῶν ἐξηγητησάμενων ταύτην τὴν πραγματείαν γένος
 συλλήβδην ἠφάνισται (ἠφ·ανίσθαι cod.), ὥστε συνέβη κα-
 ταλειφθαι τὸ σιδηροῦν, οὐ μὲν οὖν ἀλλὰ τὸ ἀχυρῶδες ὑμῶν
 φύλον.

« De l'Éphésien : Les corps corrompus ne préexistent pas comme causes efficientes, [...], mais comme causes matérielles ; de la sorte, [...] tu aurais eu par le texte d'Alexandre une conclusion très vraie. *Mais si seulement Alexandre était là, lui que vous avez fait périr !* Car ceux qui sont disposés à la paresse en ce qui concerne les sciences se sont précipités sur vous, parce que vous leur avez paru être plus clairs et plus concis, et c'est vous qu'ils ont sauvegardés. Par contre, *ils ont laissé complètement disparaître Alexandre, Simplicius et tout le reste de cette race d'or de ceux qui ont expliqué ce traité, en sorte qu'il n'est même pas resté la race de fer, mais votre race de paille.*

³² Sur ces scholies, mises en lumière par Hadot 1987, voir en dernier lieu Golitsis 2014.

Scholie no. 2

τοῦ Ἐφεσίου· τῶν μὲν οὖν <χαλ>κῶν καὶ ξυλίνων καὶ λιθίνων καὶ τῶν τοιούτων τμημ<ά>των τὸ τοῦ κύκλου εἶδος χωρίζεσθαι δύναται· <ἀσω>μάτων <δὲ> πῶς δύναται χωρίζεσθαι, εἰπὲ ἡμῖν ἀμαθέστατε καὶ ἀναισχυντότατε· διατί οὖν οὐ τὸν Ἀλέξανδρον μετέγραφε; καὶ πολλὴν ἂν σοι τῆς μεταγραφῆς εἴχομεν χάριν· ἀλλὰ ἐκείνον ἀφείς, εἰς τοιαύτας ἐξετράπης φλυαρίας.

De l'Éphésien : Des segments d'airain, de bois, de pierre et d'autres de ce genre, la forme du cercle peut être séparée. Mais comment peut-elle être séparée d'incorporels, c'est ce que tu dois nous dire, ô le plus ignorant et le plus impudent des hommes ! *Pourquoi donc n'as-tu pas recopié Alexandre ? Nous t'aurions été vraiment reconnaissants, si tu l'avais copié.* Mais, ayant laissé Alexandre de côté, tu t'es tourné vers de telles niaiseries.

Ces scholies, qui se trouvent en marge du commentaire d'Asclépius au livre Z de la *Métaphysique*, sont très intéressantes à plus d'un égard. Elles suggèrent, tout d'abord, que Michel s'est tourné vers le Commentaire d'Asclépius pour l'employer comme outil de travail dans la rédaction de son propre commentaire à la *Métaphysique* à partir du livre Z, et non pas à partir du livre E (il n'y a aucune scholie avant le livre Z) ; la mise en place des deux scholies est donc conforme avec le bilan que fait Michel lui-même à la fin de son Commentaire aux *Parva naturalia*. À première vue, elles semblent aussi confirmer le témoignage du Par. gr. 1876 et du Laur. 85,1, qui ne transmettent que les premiers livres du Commentaire d'Alexandre ; en effet, Michel se plaint de ne pas disposer du Commentaire d'Alexandre. Mais à une lecture plus attentive, on commence à entrevoir dans ces scholies que Michel n'avait *aucune* connaissance du Commentaire d'Alexandre. Comme le prétendu Commentaire de Simplicius,³³ le Commentaire d'Alexandre ne lui était connu que par un biais indirect, dans ce cas à travers les passages qu'Asclépius avait nommément repris dans son propre commentaire. Si donc Michel s'est mis à rédiger un commentaire, c'était bien pour compléter un commentaire mutilé,³⁴ mais ce commentaire mutilé *n'était pas* le commentaire

³³ Sur l'inexistence d'un tel Commentaire voir Rashed 2000.

³⁴ On se demandera légitimement pour quelle raison Michel a voulu compléter ce Commentaire, si ce n'était pas pour Anne Comnène. Il est possible qu'il

d'Alexandre ; c'était, selon toute vraisemblance, le commentaire de notre professeur anonyme. De cela témoignent précisément le Laur. 87,12 et l'Ambr. F 113 sup., qui contiennent à partir du livre E le commentaire que le copiste du Par. gr. 1876 attribue à Michel. Il faut pourtant se méfier de cette attribution.³⁵ Le Laur. 87,12 et l'Ambr. F 113 sup., quant à eux, continuent à transmettre un commentaire anonyme.³⁶ Il semble en effet que Michel, à l'instar de celui dont il s'appropriait à continuer le commentaire, ne tenait pas forcément à se nommer comme exégète. Quant à nous, nous savons désormais que Michel s'est mis au travail à partir du livre Z. Tout porte donc à croire que, tout comme le commentaire aux livres A-Δ, le commentaire au livre E de la *Métaphysique* est dû, lui aussi, au professeur anonyme.³⁷

s'y soit mis à l'instigation de son maître, en vue de sa propre instruction (et en vue de l'instruction des autres), comme peuvent le suggérer les références suivantes ; cf. *In Meta.*, 610.11-15 : διαρείται δὲ τὸ δεκάπηχυν ἢ κατὰ τὸ εἶδος ἢ κατὰ τὸ ποσόν, κατὰ μὲν τὸ εἶδος, ὅταν διέλωμεν αὐτὸ εἰς τὰ ἐξ ὧν συνίσταται, πρὸς γῆς καὶ τοῖν μεταξὺ, ἢ εἰς τὸ μέγεθος τὸ τοιονδί· κατὰ μέγεθος δέ, ὅταν διαιρεθῇ εἰς δέκα πῆχεις. οὕτω μὲν οὖν ὁ ἡμέτερος καθηγεμὼν ἐξηγήσατο. 716.24-27 : ταῦτα γὰρ πάντα συντελεῖ εἰς τὴν τοῦ ὅλου φύσιν· οὐδὲν γὰρ αἰσθητὸν χωρὶς μεγέθους καὶ σχήματος ἐστίν. οὕτω μὲν οὖν ὁ ἡμέτερος καθηγεμὼν τὸ παρὸν ἐξηγεῖτο χωρίον.

³⁵ Ce copiste est Malachias, alias *Anonymus aristotelicus*, qui a complété des parties manquantes du Par. gr. 1876 (identifié par Harlfinger dans Hadot 1987, p. 244). L'attribution du commentaire au livre E à Michel est en réalité un post-scriptum de lui, ce qui suggère que Malachias a fondé cette attribution sur la paternité des livres suivants. Sur l'identification de l'*Anonymus aristotelicus* avec Malachias voir Mondrain 2005, p. 24-25. Georges Pachymère était aussi d'avis que le commentaire au livre E est dû à Michel ; cf. Ebbesen 1981, p. 87.

³⁶ On remarquera que, malgré les apparences, cet ensemble d'éditions n'est pas du tout homogène : alors que l'édition du XI^e siècle contient un commentaire intégral sur la *Métaphysique* qui est de part et d'autre anonyme et qui, de ce fait, se présente comme homogène, celles du XIII^e siècle contiennent un commentaire soit anonyme (Laur. 85.1) soit attribué à Michel (Par. gr. 1876), qui se présente comme un complément au Commentaire d'Alexandre.

³⁷ La parenté de vocabulaire et de méthode que l'on peut détecter entre le commentaire au livre E et le commentaire aux livres Z-N ne doit pas poser problème. Michel s'est adapté naturellement au style de son prédécesseur. On peut voir cela dans la locution ἐν τοῖς Ἡθικοῖς ἐπιγραφομένοις Νικομαχείοις que l'on trouve dans le commentaire au livre E (443.35-36) et que l'on retrouve ensuite dans le commentaire au livre K (659.29). Mais on trouve déjà la locution ἐν τῇ ἐπιγραφομένῃ Φυσικῇ ἀκροάσει dans le commentaire au livre A (voir Hayduck 1891, ad 22.22), puis dans le *prooimion* au livre Γ (ad 238.1) : ἀρχεται λοιπὸν τοῦ παρόντος βιβλίου τοῦ γάμμα μὲν ἐπιγραφομένου... La restitution du commentaire au livre E au professeur anonyme est évidemment lourde de conséquences pour notre connaissance du vrai commentaire d'Alexandre. Car il est fort probable

Si cela est vrai, on peut même s'aventurer dans l'identification de ce professeur. Deux fois dans le commentaire au livre E le professeur se réfère à son exégèse du traité *De l'âme*.³⁸ Or on connaît trois philosophes alexandrins qui se sont occupés de ce traité : Ammonius, Jean Philopon et Stéphane (ou Étienne) d'Alexandrie. Une référence aux divers τμήματα du traité *De l'interprétation* qui vient ensuite,³⁹ nous dirige vers Stéphane : tandis qu'Ammonius procède dans sa propre exégèse du *De l'interprétation* selon des κεφάλαια, Stéphane a structuré son commentaire selon des τμήματα. Il est vrai, d'autre part, que ce Commentaire de Stéphane, à la différence du Commentaire sur la *Métaphysique*, est divisé en πράξεις, c'est-à-dire en leçons. On rétorquera que le Commentaire sur la *Métaphysique* n'est pas un commentaire ἀπὸ φωνῆς ; c'est plutôt la préparation, probablement inachevée, d'un cours sur la *Métaphysique*, que Stéphane s'appropriait à donner.

Mais retournons au Laur. 87,12 et à l'Ambr. F 113 sup., classés sous la même rubrique de *recensio altera* par Hayduck. On observe à une lecture attentive que divers blocs exégétiques qui sont présents dans le Laur. ne sont pas recopiés dans l'Ambr. Au fol. 13^r, par exemple, ce manuscrit exhibe un commentaire qui semble être complet, tant du point de vue de la mise en page que du point de vue de la numérotation des scholies : νη', νθ', ξ'. Pourtant, il s'agit très probablement d'une numérotation faite à nouveaux frais, et non pas d'une numérotation reprise à un modèle. Car juste avant la scholie numérotée ici de 60 (ξ'), il y a au fol. 31^r du Laur. un bloc exégétique (c'est-à-dire un lemme + commentaire), titré λ', qui s'étale sur environ deux pages de l'édition de Hayduck (55.17-57.34), et qui fait défaut dans l'Ambr. Cela arrive trop fréquemment pour être le simple effet du hasard.

que, comme il l'a fait pour les livres A-Δ, le professeur anonyme ait largement fondé son commentaire au livre E sur celui d'Alexandre.

³⁸ *In Meta.*, 441.8-9 : ὡς ἐν τῇ Περί ψυχῆς ἡμῖν εἴρηται ; *In Meta.*, 445.12-13 : εἰ δὲ καὶ τὰς λογικὰς θεωρεῖ, ἐν τῇ Περί ψυχῆς ἡ αἰτία ἡμῖν εἴρηται. Les renvois concernent le premier livre du traité *De l'âme* et suggèrent l'emploi du commentaire respectif d'Ammonius (publié par Philopon). Luna 2001, p. 67, considère ces références comme homogènes à deux autres références au traité *De l'âme*, que l'on trouve précisément dans les livres Z (505.2) et Θ (589.23-25). Mais il faut prudemment prêter attention à l'absence du mot ἡμῖν dans ces dernières références.

³⁹ *In Meta.*, 452.8-10 : ἄλλως τε δέδεικται κὰν τῷ δευτέρῳ τμήματι τοῦ Περί ἐρμηνείας ὅτι οὐ πάντα ἐξ ἀνάγκης εἰσὶν ἀλλ' ἔστι τὸ ἐνδεχόμενον.

Au fol. 20^r, pour en donner encore un exemple, deux blocs exégétiques, qui correspondent aux p. 99.1-101.31 et 104.19-105.2 de l'édition Hayduck, font défaut entre les blocs numérotés de πζ' et de πη'. Il semble que le copiste de l'Ambr. s'est passé délibérément de quelques blocs exégétiques afin de préserver dans son manuscrit la présence parallèle, c'est-à-dire sur la même page, du commentaire et du texte commenté. Cela est clair au fol. 13^v, où un bloc de quelques lignes seulement (58.27-31) est omis, évidemment parce que le lemme sur lequel porte le bloc qui le suit (numéroté de ξα' dans l'Ambr.) se trouve au tout début de la page. Résultat esthétique et pratique de lecture semblent l'emporter sur l'exhaustivité exégétique.

Mais ce n'est pas que les blocs exégétiques qui sont concernés. Quelques lignes qui sont à lire au fol. 41^v du Laur., et qui témoignent d'une variante au texte d'Aristote (ἀνικία au lieu de ἀδικία), sont omises dans l'Ambr. (fol. 17^v), peut-être parce que le copiste (ou bien entendu le commanditaire de cette copie) ne l'a pas jugée assez importante pour la retenir. Au fol. 72^v, le commentaire est fortement abrégé et, en quelque sorte, réécrit : εἰ δὲ ἡ ἀπόφασις ἀληθής, lit-on dans l'Ambr., δῆλον ὡς ἀνάγκη τὴν κατάφασιν εἶναι ψευδῆ· ἀδύνατον οὖν τὴν ἀντίφασιν ἅμα εἶναι ἀληθῆ. Ce passage fait un syllogisme hypothétique qui donne un sens parfait quant au principe de contradiction, mais en réalité il omet une longue explication qui, dans le Laur. (fol. 156^v) intervient entre les phrases τὴν κατάφασιν εἶναι ψευδῆ et ἀδύνατον τὴν ἀντίφασιν ἅμα εἶναι ἀληθῆ ; on remarquera bien sûr l'addition de οὖν dans le texte que nous transmet le manuscrit milanais.

Le copiste opte donc pour la brièveté, et l'on peut lier à cette particularité une autre observation. Il a été récemment remarqué qu'à partir du livre K l'Ambr. ne contient plus le Commentaire de Michel l'Éphésien, mais le Commentaire (inédit) de Georges Pachymère (1242 – c. 1315).⁴⁰ Il a été aussi remarqué que le Commentaire de Pachymère, qui se distingue par sa brièveté et par sa clarté (les exégèses de Pachymère sont généralement appelées σύντομοι καὶ σαφέστατοι),⁴¹ commence à être présent dans l'Ambr. déjà à partir du chapitre VI du livre Θ. On trouve

⁴⁰ Alexandru 1999.

⁴¹ Sur les exégèses aristotéliennes de Pachymère voir Golitsis 2008b.

en effet aux fol. 151^v-152^r de l'Ambr. deux blocs exégétiques (inc. *μνησθεὶς περὶ τοῦ ἀπείρου ἐτ τοῦτο τὸ κεφάλαιον ἐν πολλοῖς λείπει*) qui sont empruntés à Pachymère, le deuxième d'entre eux remédiant à l'exégèse manquante de Michel.⁴² Il est possible de voir dans le manuscrit de Milan un remplacement progressif du Commentaire de Michel par le Commentaire de Pachymère pour des raisons d'économie dans l'emploi de l'espace manuscrit. En concluant, on remarquera que, malgré les apparences, les deux manuscrits Laur. 87,12 et Ambr. F 113 sup. se distinguent l'un de l'autre par les textes mêmes qu'ils contiennent.

3. *L'ecdotique et la critique textuelle des modernes : une approche simpliste ?*

On peut maintenant récapituler les éléments que le concept de *recensio* a ôté à l'histoire exégétique de la *Métaphysique* : a) un Commentaire rédigé probablement par Stéphanos d'Alexandrie, qui a été vu comme une 'interprétation' du Commentaire d'Alexandre ; b) un livre appartenant au même Commentaire de Stéphanos, à savoir le commentaire au livre E, qui a été faussement attribué à Michel l'Éphésien ; c) ce dernier, nommé pseudo-Alexandre, était vu comme quelqu'un qui s'est mis à continuer le Commentaire mutilé d'Alexandre (Tarán, à la suite de Bonitz,⁴³ l'a même traité de faussaire), tandis qu'il a poursuivi un commentaire qui était pour lui anonyme ; et d) le Commentaire intégral qui a été ainsi produit a été ensuite davantage élaboré à l'aide du Commentaire de Georges Pachymère.

On s'aperçoit que le pluralisme byzantin en matière d'éditions de Commentaires sur la *Métaphysique* a disparu à l'époque moderne en raison du cadre établi par une visée moniste : éditer le Commentaire d'Alexandre d'Aphrodise à la *Métaphysique*. Sans doute Hayduck s'est-il adonné à un travail critique ; grâce à une collation complète du Laur. 87,12, il a pu restituer des passages

⁴² Cf. Città del Vaticano, Bibliotheca Apostolica Vaticana, Urb. gr. 49, f. 105^v-106^r. Voir Burnyeat 2008, p. 231-236, qui se réfère, à la suite de Ross 1924, t. II, p. 253, au bloc exégétique portant sur 1048b18-35, passage qui n'a pas été commenté par Michel. Mais il faut prêter attention aussi au premier bloc emprunté à Pachymère, qui remplace en réalité le commentaire de Michel sur 1048b9-17.

⁴³ Bonitz 1847, p. XVI-XVII.

omis par un saut du même au même dans les deux manuscrits de la première branche,⁴⁴ ainsi que corriger quelques bourdes. En cela, il semble avoir été à son insu le premier à avoir pris en considération des textes dérivés (le Commentaire anonyme) pour restituer un texte-source (le Commentaire d'Alexandre) dans l'ecdotique des commentaires anciens. Je dis 'à son insu', parce que, bien qu'il eût reconnu l'existence de ce qu'il a nommé *recensio altera* du Commentaire d'Alexandre, il a continué au fond (et sous l'ombre de Bonitz) à regarder les manuscrits contenant cette *recensio* comme des témoins directs du texte d'Alexandre.⁴⁵ C'est bien ce paradoxe qui se reflète dans l'artifice ecdotique qu'il a forgé pour décrire les choses : il a relégué les importantes divergences de la *recensio altera* par rapport à la *recensio vulgata*, c'est-à-dire les divergences que Hayduck considérerait comme étant dues à une intervention consciente sur le texte d'Alexandre, dans un apparat séparé (l'apparat de l'*alterius recensionis gravior discrepantia*), tandis que les petites divergences, c'est-à-dire les divergences qui étaient selon lui de simples fautes de copie,⁴⁶ ont été consignées dans l'apparat critique habituel, en compagnie de leçons provenant de la *recensio vulgata*. Cette méthode obéit certainement à un principe rationnel – séparation entre intervention voulue et altération inconsciente –, mais elle est peu sûre dans la pratique. À la p. 53 de son édition, par exemple, on trouve dans l'apparat critique une série de leçons qui sont considérées comme 'fautes', et qui sont pour cette raison séparées des 'graves divergences' de la *recensio altera*. Mais si l'on combine la lecture des deux apparats, disons, à partir de la ligne 14, on obtiendra le texte suivant, qui donne un sens parfait et qui correspond en réalité à la voix du professeur :

Εἶρηκε καὶ περὶ τῶν Πυθαγορικῶν ὅτι οὐχ ὑπετίθεσαν ἄλλην τι-
νὰ φύσιν τοῖς ἀριθμοῖς, ἀλλ' αὐτοὺς τοὺς ἀριθμοὺς οὐσίαν ἔλε-
γον εἶναι, καὶ δὴ καὶ τὸ ἐν οὐ κατὰ τινος ἄλλου κατηγοροῦν,

⁴⁴ Voir Hayduck 1891, p. viii, n. 2.

⁴⁵ Que Hayduck n'était pas conscient de l'application d'un tel principe dans l'ecdotique des textes anciens se laisse d'ailleurs déduire par le fait qu'il n'a pas pu restituer le mot corrompu ἡ ***ιδών dans le texte d'Alexandre (4.3) par le moyen du Commentaire d'Asclépius (7.13: χελιδών) qu'il avait édité trois ans plus tôt. Voir aussi Golitsis 2008a, p. 63 et n. 84.

⁴⁶ Hayduck 1891, p. ix.

ἀλλ' οὐσίαν τινὰ τὸ ἐν ὑπετίθεντο εἶναι ἐν τῷ ἐν εἶναι τὸ εἶναι ἔχουσαν. τοῦτο δὲ καὶ περὶ Πλάτωνος ἱστορεῖ, ὅτι παραπλησίως ἐκείνοις τὸ ἐν οὐσίαν ἔλεγεν εἶναι, οὐκ ἄλλο τι ὄν κατὰ τὸ ὑποκείμενον, ἔπειτα τὸ ἐν εἶναι πεπονθός. τοῦτό τε αὖ παραπλησίως ἐκείνοις ἔλεγεν ὁ Πλάτων, καὶ τὸ τοὺς ἀριθμοὺς καὶ ἀρχὰς τῶν ὄντων εἶναι, εἰ καὶ μὴ τὸν αὐτὸν τρόπον· οἱ μὲν γὰρ ὡς ἐνυπάρχοντας τοῖς πράγμασι καὶ ὡς ὕλην, ὡς ἐξ αὐτῶν πάντων τῶν ὄντων συγκειμένων· Πλάτων γὰρ χωριστοὺς αὐτοὺς ἐποίει τῶν αἰσθητῶν εἰδῶν, αἰτίους δὲ ὡς παραδείγματα. τὸ δὲ «ὡσαύτως» εἶπεν ὡς οὐχ ὁμοίως αἰτίους τῆς οὐσίας τοὺς ἀριθμοὺς Πλάτωνος τοῖς Πυθαγορικοῖς λέγοντος, ἀλλ' ὡς καὶ αὐτοῦ ὥσπερ καὶ ἐκείνων αἰτίους τοὺς ἀριθμοὺς τῶν ὄντων εἰπόντος.

Il dit à propos des Pythagoriciens également qu'ils n'ont pas posé une sorte de nature différente qui serait le substrat des nombres, mais qu'ils disaient que les nombres eux-mêmes sont une substance ; en effet, l'un non plus ils ne le prédisquaient pas d'une autre réalité, mais ils considéraient qu'il est une substance qui a son être dans le fait d'être un. C'est ce qu'il récite aussi à propos de Platon, à savoir que Platon disait pareillement que l'un est une substance, et non une réalité différente selon le substrat, qui serait ensuite affectée par le fait d'être un. Platon disait cela, et encore ceci à la manière des Pythagoriciens, à savoir que les nombres sont aussi des principes des êtres, même s'il ne le disait pas tout à fait à la même manière ; en effet, les Pythagoriciens disaient que les nombres sont des principes des êtres en tant qu'ils sont immanents à eux et en constituent la matière, parce que, selon eux, les êtres étaient constitués de nombres ; pour Platon, par contre, les nombres étaient séparés des formes sensibles et ils en étaient les causes en tant que paradigmes. Il a dit 'de la même manière' non pas parce que Platon disait que les nombres sont les causes de la substance comme le soutenaient les Pythagoriciens, mais parce qu'il disait comme les Pythagoriciens que les nombres sont des causes des êtres.

De tels cas peuvent aisément se multiplier au fur et à mesure d'une lecture détaillée des deux appareils de Hayduck. Les choses sont évidemment plus compliquées, cette fois du point de vue de l'établissement du texte authentique d'Alexandre, chaque fois que Hayduck préfère la leçon transmise par L (Laur. 87,12) et par F (Ambr. F 113 sup.) contre une leçon raisonnable de A (Par. gr. 1876). Un cas flagrant représente le *prooimion* du Commentaire,

que Hayduck a établi, à la suite de Bonitz, sur le seul témoignage du Laur. 87,12. Je pense avoir fourni bien des arguments pour douter du fait que le texte établi par Hayduck correspond à ce qu'Alexandre avait réellement écrit, d'autant plus que les *prooimia* à tous les livres de la *Métaphysique* ont été retravaillés par le professeur anonyme.

Dans des temps plus récents, Leonardo Tarán et Concetta Luna se sont engagés dans une polémique concernant la partie du Commentaire à la *Métaphysique* attribué à Michel l'Éphésien. Malgré leur désaccord, ils ont tous les deux traité Michel comme quelqu'un qui se rapportait consciemment à Alexandre d'Aphrodise, le premier pour montrer que cette partie du Commentaire n'est pas de Michel, la deuxième pour montrer que cette partie du Commentaire est de Michel. Ni l'un ni l'autre n'ont songé à considérer la possibilité que Michel se soit mis à achever un commentaire anonyme, ni ils n'ont pris au sérieux le bilan que fait Michel lui-même des Commentaires qu'il a rédigés. C'est peut être une conséquence logique du fait que tous les deux ont fondé leurs arguments sur une édition, à un certain degré, artificielle, qui cherchait à stabiliser des textes qui, par leur nature même comme textes issus de l'enseignement et destinés à l'enseignement, étaient plutôt voués aux processus dynamiques.

Je pense que l'on n'a pas reconnu qu'un ouvrage antique ou byzantin n'est pas un ouvrage autonome exclusivement en vertu de l'originalité de son contenu ou de son attribution à un nom d'auteur, mais aussi en vertu d'une nouvelle organisation de textes et de matières hérités, conçue pour servir des buts renouvelés par rapport à ceux qui ont été originellement servis par des textes employés comme sources ou comme outils de travail. Seules des éditions solides des ouvrages byzantins (ou proto-byzantins) ainsi définis pourront, d'une part, rendre justice historique à la pluralité des productions du génie byzantin, et d'autre part nous aider à restituer avec science et prudence des textes qui sont soumis à diverses vicissitudes.

Bibliographie

- S. Alexandru (1999), 'A new manuscript of Pseudo-Philoponus' Commentary on Aristotle's Metaphysics containing a hitherto unknown ascription of the work', *Phronesis* 44, p. 347-352.
- A.M. Bandini (1770, réimpr. 1961), *Catalogus Codicum Manuscriptorum Bibliothecae Mediceae Laurentianae*, Firenze.
- H. Bonitz (1847), *Alexandri Aphrodisiensis Commentarius in libros metaphysicos Aristotelis*, Berlin.
- C.A. Brandis (1836), *Scholia in Aristotelem*, Berlin (Aristotelis Opera IV).
- C.A. Brandis (1837), *Scholia Graeca in Aristotelis Metaphysica*, Berlin.
- R. Browning (1962), 'An Unpublished Funeral Oration on Anna Comnena', in *Proceedings of the Cambridge Philological Society* 8, p. 1-12 (réimpr. in Sorabji 1990, p. 393-406).
- M. Burnyeat (2008), 'Kinesis vs. Energeia: A much-read passage in (but not of) Aristotle's Metaphysics', in *Oxford Studies in Ancient Philosophy* 34, p. 219-292.
- G. Cavallo (2000), 'Scritture informali, cambio grafico e pratiche librerie a Bisanzio tra i secoli XI e XII', in G. Prato (éd.), *I manoscritti greci tra riflessione e dibattito. Atti del V Colloquio Internazionale di Paleografia Greca (Cremona, 4-10 ottobre 1998)*, Firenze: Gonnelli (Papyrologica florentina 31), p. 219-238.
- J. Darrouzès (1970), *Georges et Dèmétrios Törnrikès. Lettres et Discours*, Paris : Éditions du Centre National de la Recherche Scientifique.
- J. Dillon & D. O'Meara (2006), *Syrianus. On Aristotle Metaphysics 13-14*, London: Duckworth (Ancient Commentators on Aristotle).
- I. Düring (1932), *Porphyrius. Kommentar zur Harmonielehre des Ptolemaios*, Göteborg (réimpr. Hildesheim: Olms, 1978).
- S. Ebbesen (1981), *Commentators and Commentaries on Aristotle's Sophistici elenchi: A Study of Post-Aristotelian Ancient and Medieval Writings on Fallacies*, vol. III, Leiden: E.J. Brill (Corpus Latinum commentariorum in Aristotelem Graecorum 7).
- P. Golitsis (2008a), *Les Commentaires de Simplicius et de Jean Philopon à la 'Physique' d'Aristote. Tradition et innovation*, Berlin – New York: Walter de Gruyter (Commentaria in Aristotelem Graeca et Byzantina 3).
- P. Golitsis (2008b), 'Georges Pachymère comme didascale. Essai pour une reconstitution de sa carrière et de son enseignement philosophique', in *Jahrbuch der Österreichischen Byzantinistik* 58, p. 53-68.
- P. Golitsis (2010), 'Copistes, élèves et érudits : la production de manus-

- crits philosophiques autour de Georges Pachymère', in A. Bravo García – I. Pérez Martín (éds), *The Legacy of Bernard de Montfaucon: Three Hundred Years of Studies on Greek Handwriting. Proceedings of the Seventh International Colloquium of Greek Palaeography (Madrid – Salamanca, 15-20 September 2008)*, Turnhout: Brepols (Bibliologia 31), p. 157-170.
- P. Golitsis (2014), 'Trois annotations de manuscrits aristotéliens au XII^e siècle : les *Parisini* gr. 1901 et 1853 et l'*Oxonien* Corp. Christi 108', in D. Bianconi (éd.), *Paleografia e oltre*, Roma (Supplemento del Bollettino dei Classici dell'Accademia Nazionale dei Lincei), p. 33-50.
- I. Hadot (1987), 'Recherches sur les fragments du commentaire de Simplicius sur la *Métaphysique* d'Aristote', in I. Hadot (éd.), *Simplicius. Sa vie, son œuvre, sa survie. Actes du colloque international de Paris (28 septembre – 1^{er} octobre 1985)*, Berlin: Walter de Gruyter (Peripatōi 15), p. 225-245.
- D. Harlfinger (1979), 'Zur Überlieferungsgeschichte der *Metaphysik*', in P. Aubenque (éd.), *Études sur la 'Métaphysique' d'Aristote. Actes du VI^e Symposium Aristotelicum*, Paris: Vrin, p. 7-36.
- M. Hayduck (1891), *Alexandri Aphrodisiensis in Aristotelis Metaphysica Commentaria*, Berlin: Georg Reimer (Commentaria in Aristotelem Graeca 1).
- W. Leszl & D. Harlfinger (1975), *Il "De ideis" di Aristotele e la teoria platonica delle idee*, Firenze: Olschki (Studi dell'Accademia Toscana di Scienze e Lettere 'La Colombaria' 40).
- C. Luna (2001), *Trois études sur la tradition des commentaires anciens à la 'Métaphysique' d'Aristote*, Leiden – Boston – Köln (Philosophia antiqua 88).
- C. Luna (2003), 'Les commentaires grecs à la *Métaphysique*', in R. Goulet (éd.), *Dictionnaire des Philosophes Antiques. Supplément*, Paris: Éditions du Centre National de la Recherche Scientifique, p. 249-258.
- B. Mondrain (2005), 'Traces et mémoire de la lecture des textes: les *marginalia* dans les manuscrits scientifiques byzantins', in D. Jacquart (éd.), *Scientia in margine. Études sur les 'marginalia' dans les manuscrits scientifiques du Moyen Âge à la Renaissance*, Genève: Librairie Droz (Hautes études médiévales et modernes 88), p. 1-25.
- K. Praechter (1906), 'Commentaria in Aristotelem Graeca XXII 2', in *Göttingische Gelehrte Anzeigen* 11, p. 861-907.
- O. Primavesi (2012), 'Aristotle, *Metaphysics* A. A New Critical Edition with Introduction', in C. Steel (éd.), *Aristotle's Metaphysics A*, Oxford: Oxford University Press, p. 387-458.

- M. Rashed (2000), 'Traces d'un commentaire de Simplicius sur la *Mé-taphysique* à Byzance ?', in *Revue des sciences philosophiques et théolo-giques* 84, p. 275–284.
- W.D. Ross (1924), *Aristotle's Metaphysics. A Revised Text with Introduction and Commentary*, Oxford: Oxford University Press.
- R. Sorabji (1990), *Aristotle Transformed. The Ancient Commentators and their Influence*, London: Duckworth.
- L. Tarán (1987), 'Syrianus and Pseudo-Alexander's commentary on *Metaph.* E–N', in J. Wiesner (éd.), *Aristoteles, Werk und Wirkung (Paul Moraux gewidmet. Kommentierung, Überlieferung, Nachleben)*, Berlin – New York: Walter de Gruyter, p. 215–232.
- H. Vitelli (1888), *Philoponi In Physicorum octo libros Commentaria*, Berlin: Georg Reimer (Commentaria in Aristotelem Graeca 16–17).
- P. Wendland (1903), *Michaelis Ephesii In Parva Naturalia Commentaria*, Berlin: Georg Reimer (Commentaria in Aristotelem Graeca 22.1).

CAROLINE MACÉ, THOMAS WAUTERS,
TOMÁS FERNÁNDEZ, LORENZO CUPPI
Leuven

UN PETIT FLORILÈGE
SUR L'ÂME ET LE CORPS
(*DE CORPORE ET ANIMA*)
DANS LE *LIBER DE DEFINITIONIBUS*
(CPG 2254) ATTRIBUÉ À ATHANASE
D'ALEXANDRIE*

Le texte que nous connaissons comme *De corpore et anima* (*CorpAn*) (CPG 2290 – ce numéro est noté comme *delendum* dans le *Supplementum* de la CPG) a été édité par Montfaucon (1698) et republié dans la PG 28, 1432-1433. En réalité, ce texte correspond à la dernière définition dans le *Liber de definitionibus* (*LDef*) (CPG 2254) (περὶ ψυχῆς, PG 28, 552-553),¹ un texte pseudo-athanasien, édité pour la première fois en grec par Peter Felkman (1600). La nature même du *LDef*, qui est, comme son titre latin traditionnel l'indique, un recueil de définitions, fait qu'il se prête plus facilement encore que d'autres textes à l'excerptation : chaque définition peut être isolée et intégrée dans un florilège ou un autre recueil de définitions.²

* Cet article a été écrit dans le cadre d'un projet de recherches financé par le Conseil de la Recherche de la KU Leuven (3H100326) et co-dirigé par C. Macé et G. Van Riel. Le texte grec a été édité par C. Macé, Th. Wauters a écrit en grande partie les notes de commentaire, L. Cuppi a fourni une contribution substantielle aux recherches sur l'histoire du texte et de sa tradition imprimée, et a en partie dressé le tableau comparatif qu'on trouvera en appendice. Enfin, T. Fernández (CONICET, Buenos Aires) s'est chargé de la comparaison avec le *Florilegium Coislinianum*.

¹ Montfaucon l'avait déjà noté (II, [1698], p. ix) : « Libellus *De corpore et anima* est fragmentum auulsum ex libro *De definitionibus*, cum aliqua discrepantia. », et il ajoutait, quant à l'authenticité de l'œuvre : « Huic item affine quidpiam habetur t. I sub finem, in fragmentis; sed longe præstantius istis. Et uero fieri potuit, ut qui hoc *De corpore et anima* opusculum mandauit litteris, aliqua ex ueris Athanasii operibus sit mutuatus. »

² Pour une introduction générale sur les recueils de définitions, voir Furrer-Pilliod 2000, p. 1-40.

Dans cet article, nous voudrions donner une édition provisoire du *CorpAn*, car il constitue un curieux petit florilège rassemblant des fragments d'origines diverses, qui présentent des doctrines assez originales sur l'âme et son rapport avec le corps. Tant l'édition par Montfaucon du *CorpAn* que celle par Felkmann du *LDef* sont déficientes sur de nombreux points, c'est pourquoi il nous a semblé nécessaire d'offrir ici un texte grec qui, s'il n'est pas totalement critique (car nous n'avons pas eu accès à tous les manuscrits), a une base manuscrite plus sûre que les deux versions qui se lisent dans la PG. Ce texte sera pourvu d'une traduction et de notes philologiques et philosophiques.

Les éditions du Liber de definitionibus et du De corpore et anima

Le *LDef* a été publié pour la première fois par Pieter Nanninck (1556) sous la forme d'une traduction latine anonyme et d'origine incertaine,³ qui a été reprise dans l'édition gréco-latine de Peter Felkmann (1600) (*editio Commeliniana*), qui reprend également l'attribution à Athanase qui s'y trouvait déjà.

En tête de son édition, Felkmann écrit qu'il a utilisé un manuscrit de la bibliothèque Palatine, qu'il décrit, en appendice, comme un témoin peu ancien, présentant un texte peu satisfaisant, et qui devait contenir, au moins partie, les *Quaestiones ad Antiochum ducem* (QAD), elles aussi attribuées à Athanase (CPG 2257).⁴ L'examen des catalogues ne nous a pas permis de retrouver la trace de ce manuscrit.⁵

³ Petrus Nannius (Alkmaar 1500 – Leuven 1557) a été professeur au *Collegium Trilingue* de Louvain à partir de 1539. Sur Nannius et sur les éditions et traductions anciennes d'Athanase en général, voir Kannengiesser 1973, p. 165-169.

⁴ « Ex Ms. Bibl. Palat. » (Felkmann 1600, p. 51); « Extat hic [i.e. *Tractatus de definitionibus*] in codice Palatino nec satis ueteri, neque etiam satis emendato, plane a tergo *Quaestionum ad Antiochum*, earum inquam, quæ editæ ante hanc editionem nostram fuerunt. » (Felkmann 1601, p. 84). Sur les QAD, voir Macé 2013. Il faut noter que, dans la publication de 1556, une traduction partielle des QAD, réalisée par Valentin Rebmann (Valentinus Ampelandrus) précède immédiatement le *LDef*.

⁵ La bibliothèque palatine a été saccagée en 1622 et les volumes qui ont survécu (environ 3500) ont été transportés à Rome sous la supervision de Leone Allacci (Allatius) en 1623; moins de la moitié a été restituée à Heidelberg au début du XIX^e s. Le seul manuscrit qui, à notre connaissance, contienne, en

L'édition de Felkmann a été reprise et révisée (mais dans une faible mesure) d'abord par Johannes Fischer⁶ pour l'édition parisienne des *Opera omnia* d'Athanase (1627), et puis par Montfaucon (1698), qui, en plus des éditions d'Heidelberg et de Paris, affirme avoir employé le manuscrit *Colbertinus* 4753, aujourd'hui le Paris, BnF, gr. 1057, qui ne contient cependant pas le *LDef*.⁷ L'édition de Felkmann (revue par Fischer et Montfaucon) a été republiée dans la PG (PG 28 533-553).

Les témoins du Liber de definitionibus et du De corpore et anima

Le *LDef* a peu attiré l'attention des chercheurs, en dehors de K.-H. Uthemann, qui y consacre un appendice dans l'introduction à son édition du *Viae Dux* d'Anastase le Sinaïte (CPG 7745) (Uthemann 1981, p. CCXXXIX-CCXLIII). Selon Uthemann, le rédacteur du *LDef* a utilisé un témoin de ce qu'il appelle les *Definitiones seorsum traditae* (Uthemann 1981, p. CCXXXIX), c'est-à-dire une forme particulière des définitions qui se trouvent dans le *Viae Dux* (II, 1-8). Uthemann a proposé une hypothèse de stemma des nombreux manuscrits qui transmettent ces *definitiones* (dont la rédaction remonterait au début du IX^e s.);⁸ il a

partie les *QAD* et en partie le *LDef*, l'un à la suite de l'autre, est le manuscrit Cambridge, University Library, Add. 3076, un manuscrit du XVI^e s. (Easterling 1962, p. 317-318), qui ne peut pas avoir servi de base à l'édition de Felkmann, car il est trop incomplet (et l'ordre des pièces est de toute façon inversé par rapport à ce que dit Felkmann).

⁶ Johannes Piscator (Strasbourg 1546 – Herborn 1625), après avoir étudié à Tübingen, est devenu professeur de théologie successivement à Strasbourg en 1571, à Heidelberg en 1574 et à Neustadt an der Hardt en 1578.

⁷ Montfaucon 1698, p. 242: « In manuscripto porro Colbert. 4753. Opusculum habetur hoc titulo. Κεφάλαιά τινα ὁφείλοντα ἐπίσταςθαι τοῖς, ὡς ἐξὸν ἀνθρώπῳ νοῶ, βουλομένοις γνῶναι τὸ μυστήριον τῆς τοῦ λόγου σαρκώσεως. *Capita quædam quæ scire oportet eos, qui, ut fert facultas mentis humanæ, nosse uolunt mysterium Incarnationis Verbi*. Isthic multa habentur, quæ in his quoque Definitionibus leguntur, suisque locis annotauimus. » Cf. aussi Montfaucon 1698, p. [XIII]: « Codice Colbertino 4753. aliquoties usi sumus. » Voir la description dans Omont 1898, p. 213. Cf. Uthemann 1981, p. CCXXXIX: « Im *Codex Colbertinus* 4753, dem heutigen *Parisinus* gr. 1057, findet sich der Text nicht. »; ce manuscrit contient néanmoins, aux ff. 105-126, de nombreuses portions du *Viae Dux* II, 3, 1 - 5, 130, un texte qui n'est pas étranger au *LDef*.

⁸ Uthemann 1981, p. CCXXI-CCXXXIII. Il faut noter que Pinakes donne une

également montré qu'il existait plusieurs recensions de ce recueil, plus ou moins contaminées (Uthemann 1981, p. CCXXXIV-CCXXXVIII). Le *LDef* (CPG 2254) serait l'une de ces adaptations, ayant connu un succès particulier.⁹ Il faut noter que notre florilège sur l'âme et le corps ne se trouve pas parmi les définitions du *Viae Dux*.

Uthemann a trouvé six manuscrits contenant le *LDef*, il les a collationnés et il en a dressé un stemma (Uthemann 1981, p. CCXLIII). Trois parmi ces manuscrits, dont le plus ancien date du XIV^e s., contiennent aussi le *Viae Dux* (du moins partiellement) et il est vraisemblable qu'Uthemann n'a pas fait une heuristique complète des manuscrits du *LDef*, mais qu'il a examiné ceux qu'il a pu trouver au cours de ses recherches sur le *Viae Dux*. Voici ces manuscrits (par ordre chronologique) :

1. Città del Vaticano, Biblioteca Apostolica Vaticana, gr. 1124, f. 1-16, XIV^e s. (Uthemann n° 99). Ce témoin est incomplet : comme le *Monacensis* ci-dessous (n. 4), il présente le texte *Viae Dux*, II, 1, 1 - 3, 81 προσηγορία, suivi de PG 28, 537 C 10 jusqu'à la fin.
2. Sinai, Μονὴ τῆς Ἁγίας Αἰκατερόνης, gr. 453, f. 1-6v, XV^e s. (Uthemann n° 115). Également incomplet, il est proche du manuscrit de Cambridge, mais le texte après PG 28, 544 D 11 est perdu.
3. Cambridge, Gonville and Caius College Library, 355, f. 197v-212, XV^e s. (Uthemann n° 112). Le texte est presque complet : d'après Uthemann, il va jusque PG 28, 553 A 2.
4. München, Bayerische Staatsbibliothek, gr. 490, f. 489-494, XV^e s. (Uthemann n° 84). Il contient exactement la même portion de texte que le *Vaticanus* ci-dessus (n. 1).

liste de manuscrits contenant ce texte (sous le numéro d'identification CPG 7745.a), qui est différente de celle d'Uthemann. Cela mériterait également une enquête.

⁹ Il vaudrait la peine de reprendre *ab ovo* l'étude des rapports entre les définitions du *Viae Dux* et le *LDef*. Voir en appendice la comparaison, dressée par Lorenzo Cuppi, entre le *LDef* et *Viae Dux* II, 1-8.

5. Wien, Österreichische Nationalbibliothek, Theol. gr. 293, f. 71v-83, XVI^e s. (Uthemann n° 120). Le texte est complet et d'après Uthemann il s'agit du meilleur témoin du *LDef*.¹⁰
6. Ἅγιον Ὅρος, Μονὴ Διονυσίου, 274, f. 44v-52v, XVII^e s. (Uthemann n° 70). Ce témoin aussi est incomplet : le manuscrit contient *Viae Dux* II, 1, 1-60, puis, sans coupure, *LDef* PG 28, 536 B 7 - 544 A 4.

La base de données Pinakes (<http://pinakes.irht.cnrs.fr/> consultée pour la dernière fois le 30/10/2012) ne donne pour le texte CPG 2254 qu'un seul de ces six manuscrits, à savoir celui de Vienne. Elle mentionne en revanche quinze autres manuscrits, dont onze sont antérieurs au XVII^e s., et, de ces onze, seulement trois pourraient contenir un texte complet du *LDef*.¹¹

1. Moskva, GIM, Synod. gr. 467 (Vladimir 318), f. 182-191, XI^e s.¹²
2. Ἅγιον Ὅρος, Μονὴ Βατοπεδίου, 555, f. 210v-220, XII^e s.¹³
3. Napoli, Biblioteca Nazionale, II.C.33, f. 207-216, copié en 1485-1495¹⁴

Les manuscrits de Moscou et de l'Athos contiennent en réalité chacun une recension des définitions du *Viae Dux*, alors que le manuscrit de Naples contient bien, lui, le *LDef*.

Il faut noter que, dans aucun des manuscrits que nous avons pu examiner ou pour lesquels nous disposons d'informations fiables grâce aux catalogues, le *LDef* n'est attribué à Athanase. Le titre de l'œuvre est sensiblement le même dans tous les témoins consultés : Ὅροι (σὺν Θεῷ) (διάφοροι).¹⁵ L'*incipit* du

¹⁰ Cf. aussi Hunger & Lackner 1992, p. 316-321, spécialement p. 318.

¹¹ Pour réduire cette liste, nous nous sommes basés sur les descriptions données par Uthemann pour certains manuscrits, ainsi que sur les catalogues.

¹² Vladimir 1894, p. 449-454.

¹³ Benešević 1904, n° 574. Dans le catalogue d'Eustratiades & Arcadios 1924, p. 112, le manuscrit (n° 555) est daté du XI^e s. et on ne trouve guère d'indications sur le contenu.

¹⁴ Mioni 1992, p. 221-239, spécialement p. 228-229.

¹⁵ Seul le *Cantabrigensis* atteste un titre plus long: Ταῦτα εἰσὶ τὰ διδάγματα τοῦ ἁγίου Πέτρου τοῦ ἀποστόλου ἅπερ ἐδίδαξε τὸν ἅγιον Κλήμεντα τὸν μαθητὴν αὐτοῦ, suivi de l'*incipit* normal. Le premier titre latin, *Tractatus de definitionibus*, se

texte édité par Felkmann (et confirmé par le *Vindobonensis*) affirme explicitement que ce recueil de définitions a été rassemblé (συλλεγέντες) selon la tradition et la foi de l'Église à partir de Clément des autres saints hommes et bienheureux Pères : Ὅροι διάφοροι κατὰ τὴν παράδοσιν καὶ πίστιν τῆς καθολικῆς Ἐκκλησίας, συλλεγέντες ἀπὸ τε Κλήμεντος καὶ ἐτέρων ὁσίων ἀνδρῶν καὶ μακαρίων Πατέρων. Nulle mention d'Athanase, donc, dans ce titre. L'attribution à Athanase provient, semble-t-il, de la traduction latine publiée par Nanninck. La paternité athanasienne de ce texte avait déjà été mise en doute par Felkmann lui-même et, après lui, par le cardinal Bellarmino et par Montfaucon¹⁶.

Il est vraisemblable que bien des définitions contenues dans le *LDef* ont été introduites dans d'autres compilations. Nous savons en tout cas que c'est bien le cas pour la dernière définition du *LDef*, qui concerne les rapports entre l'âme et le corps, parce qu'elle a été éditée séparément, comme nous l'avons dit au début de cet article, par Monfaucon (1698) et reprise dans la PG.

Pour son édition, Montfaucon s'est servi d'un manuscrit de la Bibliothèque Vaticane, qu'il nomme « Vat. Gr. 700 »¹⁷, mais il s'agit en fait, comme le démontre la collation réalisée pour nous par Inmaculada Pérez-Martín, du *Vaticanus gr. 790 (olim 877)*, que nous présentons ci-dessous.

trouve dans l'édition de Nanninck (Nanninck 1556, p. 28), dont l'index donne un titre un peu plus long: *Tractatus De Definitionibus Theologicis* (Nanninck 1556, p. 2). Ce titre est répété par Felkmann (Felkmann 1600, p. 51) et Fischer (Fischer 1627, p. 42), qui préférèrent néanmoins la dénomination *Definitiones quædam* dans leurs index (Felkmann 1600, p. 2; Fischer 1627, p. [v]). C'est avec l'édition de Montfaucon qu'on aboutit au titre latin canonique, repris par la PG et inclus dans la CPG.

¹⁶ Felkmann 1601, p. 84: « Qui tamen [i.e. *Tractatus de definitionibus*], quod Athanasii non sit multa arguunt, tum vero Nyssenus infra pag. 55, C [= PG 541C] citatus: ut qui paulo iunior Athanasio. »; Bellarmino 1613, p. 62; Montfaucon 1698, p. 242.

¹⁷ Montfaucon 1698, p. 600-601: « Unde porro jam prodest hoc opusculum, ex hisce Joannis Guillotii nostri verbis accipe, qui sua manu exscripsit, nobisque transmisit. Ex cod. Græco bibliothecæ Vaticanæ, num. 700, in charta papyracea, videtur habere 400 annos. Est elegantis manu, sed minusculis litteris exaratus. Est collectio diversorum operum, et fragmentorum SS. Patrum. Continet inter cætera sequens opusculum. »).

Il est impossible de recenser tous les florilèges qui contiendraient le *CorpAn* : les catalogues de manuscrits n'identifient pas nécessairement tous les extraits contenus dans un florilège et, même s'ils le font, le *CorpAn* peut être identifié comme CPG 2290 ou comme un extrait de CPG 2254. Ainsi, la base de données Pinakes (consultée pour la dernière fois le 30/10/2012), fournit une liste de sept manuscrits contenant le texte CPG 2290 (nous les citons par ordre chronologique) :

1. Istanbul, Πατριαρχική Βιβλιοθήκη, Μονή Παναγίας Καμαρωτίσσης, 68, f. 208r-v, une anthologie copiée en 1315-1316 par Michel Anagnostès.¹⁸
2. Kyïv, Central'na naukova bibliotheka AN, Φ.301 (149π), f. 341-342, un florilège ascétique du XIV^e s.¹⁹
3. Città del Vaticano, Biblioteca Apostolica Vaticana, gr. 790, f. 101-102v, XIV^e-XV^e s., également un florilège.²⁰
4. Αθήνα, Βυζαντινὸν Μουσείον, Kolybas 164 (Μουσείον Δ. Λοβέρδου), f. 54v-58, une collection d'homélies sans doute du XVI^e s., principalement de Jean Chrysostome, mais aussi d'autres Pères.²¹
5. London, British Library, Harley 5734, f. 29v-30v, un florilège de la fin du XVI^e s.
6. Mezzoiuzo (Palermo), Chiesa di S. Maria delle Grazie, 3, f. 13v-14v, une anthologie médicale (iatrosophique) datée du XVI^e-XVII^e s.²²
7. Eurytania, Μονή Προνοῦ, 10, un manuscrit du XVIII^e s., qui contiendrait, sur le dernier feuillet, notre texte.²³

¹⁸ Kouroupou & Géhin 2008, p. 219-223 (p. 221 pour notre texte). Nous remercions chaleureusement Michael Featherstone, qui a examiné ce manuscrit à Istanbul.

¹⁹ Chernukhin 2000, p. 70-74. La datation du XIV^e s. (et non du XVI^e s.) a été corrigée dans le nouveau catalogue cité ici, elle avait aussi été rectifiée dans Van Deun 2000, p. CCXLII-CCXLIV.

²⁰ Devreesse 1950, p. 307-314, spécialement p. 310.

²¹ Voir Mossay 1993, p. 137.

²² Mioni 1965, n° 96.

²³ Kolias 1967-1968, p. 655-656.

Nous avons laissé de côté les deux derniers manuscrits, récents et difficiles d'accès. Les f. 54–58 du manuscrit d'Athènes contiennent un texte attribué à Athanase, mais qui n'a rien à voir avec le texte CPG 2290,²⁴ de même pour le manuscrit de Kiev.²⁵ Le *Vaticanus* a été collationné par Inmaculada Pérez-Martín : il s'agit certainement du manuscrit utilisé par Montfaucon (qui parfois le lit mal ou le corrige); c'est d'ailleurs le seul manuscrit où le texte est attribué à Athanase (Montfaucon en a fidèlement retranscrit le titre). Dans le manuscrit de Londres, le texte est incomplet par rapport à celui de la PG (le manuscrit présente seulement la dernière partie), remanié et attribué à Jean Damascène : ἰωάννου τοῦ δαμασκηνοῦ περὶ τῆς ψυχῆς· ὅτι ἐν ποίῳ μέρει τοῦ σώματος τοῦ ἀνθρώπου εὐρίσκεται ἡ ψυχή. Dans le manuscrit d'Istanbul, ainsi que dans un autre manuscrit, qui n'est pas signalé par Pinakes, le texte est complet par rapport à la PG, il présente par rapport à celle-ci quelques différences qui sont confirmées par le *LDf*, et il est anonyme. Ce manuscrit supplémentaire, qui se rapproche du manuscrit d'Istanbul est le suivant :

Basel, Universitätsbibliothek, FI.8 (gr. 53) :²⁶ copié dans la première moitié du XVI^e s. dans l'atelier de Bartolomeo et Camillo Zanetti, il contient deux textes de Proclus, l'*In Parmenidem* et l'*Elementatio physica*. Tout à la fin du manuscrit (f. 312v–314v), mais de la même main que le reste, on lit cinq courts extraits sur l'âme, tirés de différents textes, mais collés les uns aux autres, sans séparation, sans titre ni nom d'auteur. La transition entre les divers extraits est marquée par une ponctuation forte et une initiale; le *CorpAn* est ainsi divisé en deux dans ce manuscrit : les fr. 1–3 d'une part et 4 d'autre part.

²⁴ Le microfilm que nous avons pu consulter à Louvain-la-Neuve est difficilement lisible et le texte n'a pas pu être identifié avec certitude, mais il s'agit d'un texte anonyme sur les trois vertus du chrétien.

²⁵ Dans le catalogue (Chernukhin 2000, p. 71), le texte est identifié là, à juste titre, comme un extrait du *Syntagma ad quendam politicum* pseudo-athanasien (CPG 2286), PG 28, 1400–1401, ce que nous avons pu vérifier grâce à des reproductions des feuillets en question, que nous a aimablement fournis le conservateur de la bibliothèque, par l'intermédiaire de notre collègue et ami Victor Yudin.

²⁶ Luna & Segonds 2010, p. x–xi.

Enfin, pour une partie du *CorpAn* (le fr. 3), nous disposons d'un témoignage plus ancien et, à ce titre, très important : le *Florilegium Coislinianum* (*FlorCoisl*), une anthologie dont la compilation peut être datée entre le milieu du IX^e s. et le début du X^e s. Cette anthologie contient nombre de fragments pour lesquels elle est le seul témoin, ce qui est le cas aussi pour plusieurs des fragments identifiés et édités par Montfaucon sous le titre de *Scholia in Matthaeum*, et attribués à Athanase (*CPG* 2141.7)²⁷. Or, il se trouve que l'un de ces fragments, déjà édité par Montfaucon en 1706 sur base d'un seul manuscrit du *FlorCoisl* (Paris, BNF, gr. 924) (= PG 27, 1373 D 3 – 1376 C 3), correspond précisément au fr. 3. du *CorpAn*. Le livre β du *FlorCoisl*, qui contient ce fragment (n° 24), a été récemment édité de façon critique (De Vos et al. 2010). Dans le *FlorCoisl*, le fr. 24, attribué à Athanase, se trouve sous le chapitre 12 du livre β (qui en comporte treize), intitulé : Ἀποδειξίς ὅτι τὰ βρώματα ἡ ψυχὴ ἀναλίσκει. Le fr. 24 commence et se termine comme une exégèse de Matt. 6.25 : Διὰ τοῦτο λέγω ὑμῖν, μὴ μεριμνᾶτε τῇ ψυχῇ ὑμῶν τί φάγητε [ἢ τί πίνητε], μηδὲ τῷ σώματι ὑμῶν τί ἐνδύσῃσθε· οὐχὶ ἡ ψυχὴ πλείον ἐστιν τῆς τροφῆς καὶ τὸ σῶμα τοῦ ἐνδύματος;²⁸ Voici le début du fr. 24 : Διαφέρει δὲ ἡ ψυχὴ τῆς τροφῆς, καθὼ αὕτη μὲν ἐστὶ πνεῦμα τί ζωτικόν, ἡ δὲ τροφή γηϊνὴ καὶ εὐδιάλυτος, τὸ σῶμα τοῦ ἐνδύματος, ἐπεὶ τὸ μὲν ἐστὶν ἔργον θεϊκῶν χειρῶν, τὸ δὲ πόκος ἀλόγου βοσκήματος. Πολλοὶ δὲ ἀκούοντες ψυχὴν ἐσθίουσαν, ξενίζονται ἐπὶ τῷ λόγῳ, ὀρῶντες τὴν χεῖρα τῷ στόματι κομίζουσιν τὰ σιτία. Ἀλλὰ σὺ ἀγαπητέ, μὴ ξενισθῇς ψυχὴν ἀκούον ἐσθίουσαν, καὶ γὰρ οὕτως ἐστὶ καὶ οὐκ ἄλλως πῶς· ἐσθίει δὲ ψυχὴ τὰ παραπεμπόμενα τῷ στόματι, ἐπεὶ ἐστὶν τὴν φύσιν θερμὴ κατὰ τὸν λόγον τῆς Σοφίας· Ψυχὴ θερμὴ, ὡς πῦρ καίόμενον²⁹ (cette ci-

²⁷ PG 27, col. 1364–1369 (= Montfaucon 1706) et PG 26, col. 1252–1253 (= Montfaucon 1698). Voir aussi Fernández (2011).

²⁸ « C'est pourquoi je vous dis: ne vous souciez pas de votre psychè, de ce que vous pourrez manger, ni de votre corps, des vêtements que vous pourrez porter; la psychè n'est-elle pas davantage que la nourriture et le corps que les vêtements? ». Nous avons traduit ψυχὴ ici de la même manière que nous le ferons plus loin ; il s'agit du principe (matériel) de l'existence, ce que la TOB (1996) traduit par « vie ».

²⁹ « La psychè est supérieure à la nourriture en ce qu'elle est elle-même un souffle vital, tandis que la nourriture est terrestre et facilement dissoute; le corps est supérieur aux vêtements, car il est œuvre de mains divines, tandis qu'ils sont la toison de bêtes privées de raison. Beaucoup en entendant que la psychè mange

tation de Sir. 23.17 sert de début au fr. 3 du *CorpAn*). Et en voici la fin : Κεφάλαιον δὲ ἐπὶ πᾶσι, τὸ λεχθὲν πρὸς τοῦ κυρίου· μὴ μεριμνήσητε τῇ ψυχῇ ὑμῶν τί φάγητε, ἢ τῷ σώματι τί ἐνδύσηθε· ἐπεὶ πλεῖον ἐστὶν ἡ ψυχὴ τῆς τροφῆς καὶ τὸ σῶμα τοῦ ἐνδύματος· εἰ τοίνυν τῶν κρείττονων καὶ μειζόνων ἡξιώθημεν τῇ χάριτι τοῦ κρείττονος, πολλῷ μᾶλλον τῶν βραχυτέρων καὶ καταδεεστέρων ἐμπλησθώμεν³⁰. Entre les deux, le texte est identique à celui de notre fr. 3.

Étant donné l'ancienneté de ce témoignage et le contexte différent et plus complet dans lequel le fragment est inséré dans le *FlorCoisl*, il est vraisemblable que le *FlorCoisl* représente un témoin plus proche de la source du fragment, voire cette source elle-même. En quelques endroits le *FlorCoisl* présente des variantes par rapport au texte que nous avons édité, qui pourraient être considérées comme meilleures, mais pas nécessairement (voir l'apparat et les notes de l'édition). Cette incertitude quant au statut du *FlorCoisl* nous a poussés à le considérer comme un témoin indirect et à signaler ses variantes (sigle *FC*) dans un apparat séparé.

Il ne fait guère de doute que d'autres manuscrits contenant notre texte pourront être découverts dans l'avenir. Il nous a néanmoins semblé opportun de donner une édition provisoire de ce texte, afin de pouvoir en discuter le contenu sur une base plus solide.

s'étonneront à cette parole, imaginant une main qui amène les aliments à la bouche. Mais toi, mon cher, ne t'étonne pas en entendant que la psychè mange, car c'est bien ainsi et pas autrement: c'est la psychè qui mange ce qui est apporté à la bouche, car elle est chaude par sa nature, selon la parole de la Sagesse: une âme chaude, comme un feu brûlant. »

³⁰ « Ce qui est le plus important de tout, c'est ce que le Christ a dit: [Matt. 6.25 ; cf. n. 28 pour la traduction]. Si nous sommes jugés dignes du meilleur et du plus grand [c'est-à-dire la psychè et le corps] par la grâce de celui qui est plus grand, nous serons remplis bien davantage de ce qui est plus court et plus humble [c'est-à-dire la nourriture et les vêtements]. »

Ratio edendi

Pour notre édition, nous avons utilisé les témoins suivants :

- pour le *LDef*, nous avons utilisé l'édition de la PG (sigle *PG*), ainsi que deux manuscrits : le Vindob. Theol. gr. 293 (f. 81v–83v) (sigle *V*), qui est considéré par Uthemann comme le meilleur témoin de ce texte, ainsi que le Neapol. II.C.33 (f. 215r–216r) (sigle *N*), qu'Uthemann ne connaissait pas;
- l'édition de la PG du *CorpAn* (sigle *CA*), ainsi que deux des manuscrits signalés plus haut, à savoir le Basil. FI.8 (sigle *B*), et le Constantinopol. Panhagia 68 (sigle *I*).

Tous les témoins sans exception présentent chacun des fautes et des particularités propres (voir l'apparat critique), ce qui permet d'assurer qu'aucun n'est l'ancêtre de l'un des autres. En outre, il ne se trouve pratiquement pas de variantes qui opposent clairement les deux types de témoins (*LDef* d'une part, *CorpAn* d'autre part), ce qui montre que la tradition est étonnamment stable, alors qu'il s'agit d'un texte fragmentaire, anonyme et transmis seulement par des florilèges : dans le fr. 1 ἔχον (*VN PG*) / τὸ ἔχον (*BI CA*), dans le fr. 2 τούτων κρατεῖν (*VN PG*) / ταῦτα κρατεῖν (*BI*), πάντα κρατεῖν (*CA*), et χειμερινοῦ (*VN PG*) / χειμερίου (*BI CA*).

Malgré le petit nombre de témoins utilisés, le texte édité est assez sûr, car il y a très peu de cas (qui se trouvent d'ailleurs tous dans le fr. 4, où *N* présente une tout autre forme du texte) où l'accord de la majorité des manuscrits ne donne pas un texte satisfaisant ou ne permet pas de trancher :

(1) l. 6–7 Ἐν ἐνὶ μέρει τόπου κεῖται
μέρει τόπου *V* : μέρει *PG*, μέρει καὶ τόπω *B*, μέρη τόπω *I*, τόπω *CA* (et om. κεῖται *CA*)

(2) l. 18–19 διατοῦτο ἦν ἂν ὥραν τρωθῇ ἡ καρδία, ἡ ἡ βασιλικὴ
φλέψ ἐκρέυση αἷμα πολὺ...
ἦν ἂν ὥραν *V PG* : οἷαν ὥραν *B*, αἶν ὥραν (sic) *I*, ἡ ὥρα *CA*
τρωθῇ *V PG BI* : κρουσθῇ *CA* ἡ βασιλικὴ φλέψ *B CA* :
βασιλικὴν φλέβα *V*, ἐκ τῆς βασιλικῆς φλεβὸς *PG*, ἡ βασιλικὴ
φλέβα (sic) *I* ἐκρέυση *BI* (ἐκρέυσει *BI*) *CA* : ἐκρέυσι *V*, ῥεύση
PG αἷμα ante ἐκρέυση transp. *PG*

Le titre *Περὶ σώματος καὶ ψυχῆς* est attesté non seulement par *CA* et par *I* (aucun des fragments contenus dans le petit florilège du manuscrit *B* n'est pourvu d'un titre), mais aussi par *V* et *N*.

Nous avons opté pour un appareil en général négatif, sauf dans les cas où cela pourrait entraîner des ambiguïtés ou quand la base manuscrite de la variante choisie est faible. Un appareil spécial signale les cas où l'un des témoins présente un texte trop divergent pour pouvoir figurer dans l'apparat critique. En ce qui concerne l'orthographe et la ponctuation, nous avons suivi les manuscrits autant que possible (l'emploi des articles, par exemple, est parfois surprenant, nous l'avons préservé tel quel), mais nous ne notons pas les éventuelles variantes purement orthographiques dans l'apparat. Le vocabulaire utilisé est parfois étrange et l'on trouve plusieurs mots très rares ou même des hapax dans ces fragments (*εὐθνητα* et *εὐδιάμονα* dans le fr. 1, *ὑπολκιζόμενος* que nous avons gardé dans le fr. 3, bien que ce verbe ne soit nulle part attesté voir les notes à ce sujet dans la traduction, *κότυλος* dans le fr. 4), mais la syntaxe et la construction laborieuse des phrases trahissent une langue peu littéraire.

Nous avons divisé le texte en quatre fragments, qui correspondent à des changements de sujet, de style et de vocabulaire. Cette division ne se trouve pas dans les manuscrits, mais il nous semble évident que notre texte doit être considéré comme un petit florilège, rassemblant quatre fragments de provenances différentes (le témoignage du *FlorCoisl* le confirme pour le fr. 3). Le sujet commun à ces fragments, à l'exception du fr. 2 (éthico-psychologique, que l'édition de la PG fait précéder du titre *Περὶ ψυχῆς*, qui ne se trouve pas dans nos manuscrits), est la relation entre l'âme et le corps. Le premier fragment, qui dans la PG est rattaché à la définition précédente, concerne le corps, sa constitution et sa dissolution à partir des quatre éléments, et traite du caractère matériel du corps et de l'âme en général. Le troisième fragment discute le statut matériel de l'âme (élément chaud et igné) et son influence sur le corps. Le quatrième fragment, sous forme de questions-réponses (*ἐρωταποκρίσεις*), s'interroge sur la place de l'âme dans le corps. Il faut noter que ce dernier fragment est absent de *N*, où il est remplacé par une phrase d'inspiration aristotélicienne sur la tripartition de l'âme, et que dans *B*

il constitue un extrait nettement distingué des trois précédents, qui sont, eux, présentés en bloc. Sur plusieurs points, il y a des similitudes de style entre les fragments 3 et 4, mais on ne peut pas savoir si cela doit s'expliquer par une origine commune (ce qui est peu crédible étant donné le caractère incompatible des doctrines exposées dans les deux fragments) ou si cela est dû au compilateur des fragments : ἢ ὥρα (fr. 3) ou ἦν ἂν ὥραν (fr. 4) avec le subjonctif, les expressions ὁ λέβης τοῦ σώματος (fr. 3) et τὸν οἶκον τοῦ σώματος (fr. 4)... Le manuscrit *V* ajoute quelques lignes à la fin du fragment 4, qui ne se trouvent pas dans les autres témoins.

Édition

Περὶ σώματος καὶ ψυχῆς

- 5 <1> Τὸ σῶμα ἔχον τὴν σύνθεσιν ἐκ τῶν στοιχείων, δέχεται καὶ διάλυσιν, καὶ ἀφανίζεται. Διὰ τοῦτο τὰ σώματα καὶ ἀνθρώπων καὶ ζώων εὐφθαρτα καὶ εὐθνητα τυγχάνει, ἐκ τεσσάρων στοιχείων συνιστάμενα. Ὅθεν καὶ τὰ φυτὰ καὶ τὰ δένδρα, ὡς διὰ τεσσάρων
 10 στοιχείων συνιστάμενα· λέγω δὴ γῆς, καὶ ὕδατος, καὶ ἡλίου, καὶ ἀέρος. Καὶ αὐτὰ οὐκ ἀγήρατα, οὐδὲ ἄφθαρτα, οὐδὲ ἀμάραντα, ὡς τὰ σώματα, μένει, ἀλλὰ θνήσκει καθὰ καὶ τὰ σώματα, ποιηθέντων πάντων σωμάτων ἐκ γῆς. Τὰ δὲ ἀπλὰ καὶ ἀσύνθετα τῶν πραγμάτων εὐδιάμονα καὶ ἕως τῆς συντελείας ἀκατάλυτα μένει· οἷον ἥλιος, ψυχὴ ἀνθρώπου, φῶς, φωστήρες, ἀῆρ, ὕδατα, πῦρ, πνεῦμα, καὶ πάντα τὰ ἀπλὰ καὶ ἐν ἰδίᾳ.

<2> Περὶ δὲ ψυχῆς λέγομεν ὅτι εἰσὶ πέντε πάθη ἐν αὐτῇ, ἅτινα ψυχικὰ πάθη καλοῦνται – εἰσὶ δὲ ταῦτα· ὀργή, λύπη, φόβος, φροντίς, καὶ φθόνος. Ὁ οὖν φρόνιμον ἔχων τὸν λογισμὸν δύναται τούτων κρατεῖν.

1,1-11 Τὸ – ἰδίᾳ cf. An. Sin., Viae Dux, II, 8.120-137 (scholion) 2,3-4 Ὁ – κρατεῖν cf. IV Macc. 7.17

Tit. Περὶ – ψυχῆς V^{ms}, ut vid. N^{ms} I : om. PG, ἐν ἀγίοις πατρὸς ἡμῶν Ἀθανασίου περὶ σώματος καὶ ψυχῆς CA, deest B 1,1 Τὸ om. CA | ἔχον] τὸ praem. BI (ἔχων I), τῷ ἔχοντι CA 2 ἀφανίζεται] φανίζεται B 2 καὶ²] τῶν N B 3 ζώων] τῶν praem. N | καὶ] om. B, τε praem. CA | εὐθνητα] θνητὰ N, om. B | τυγχάνει] τυγχάνουσι(v) N CA 3-4 στοιχείων συνιστάμενα] συνεσθηκῶτα στοιχείων PG 4-5 Ὅθεν – συνιστάμενα VN : om. PG BI CA 5 λέγω δὴ] λέγονται διὰ N 5 καὶ¹] om. CA | ὕδατος καὶ ἡλίου] ὕδατος καὶ πυρὸς PG, ἡλίου, ὕδατος CA 6-11 Καὶ – ἰδίᾳ] al. verba PG (cf. app. III) 6 οὐδὲ ἄφθαρτα] om. CA | οὐδὲ²] οὐκ CA 6-7 ὡς – σώματα²] om. V 7 μένει] μέσον I | σώματα²] τὰ ζῶα (sic) πάντα B 8 ἐκ γῆς] ἐπὶ τῇ γῇ N (ἐκ τῆς γῆς N^{ms}) 10 πνεῦμα] πνεύματα I 10-11 καὶ² – ἰδίᾳ] om. B 2,1 ante fr. 2 add. tit. Περὶ ψυχῆς PG | λέγομεν] οὕτως add. CA | ἐν αὐτῇ] τῆς ψυχῆς B 2 ψυχικὰ πάθη] ἰν. I 3 λογισμὸν] νοῦν I 4 τούτων] ταῦτα BI, πάντα CA

1,6-11 Καὶ – ἰδίᾳ] Καὶ αὐτὰ τὰ ἐκ τούτων συνεσθηκῶτα αἰεὶ γίνονται καὶ αἰεὶ φθείρονται, τῆς τῶν στοιχείων διαλυομένης συνθέσεως, καὶ ἐκάστου πρὸς τὸν ἴδιον ἀναλύοντος τόπον. Αὐτὰ δὲ τὰ στοιχεῖα, ἀπλὰ τυγχάνοντα καὶ ἀσύνθετα, τὸ μόνιμον ἔχει, καὶ μέχρι τῆς συντελείας ἀδιάλυτον PG

*Traduction*Sur le corps et la psychè¹

«1» Le corps, parce qu'il tient sa composition des éléments, en reçoit aussi sa dissolution et disparaît. C'est pourquoi les corps des hommes et des animaux sont corruptibles et mortels, car ils sont composés de quatre éléments. D'où aussi les plantes et les arbres, car ils sont aussi composés des quatre éléments, c'est-à-dire de la terre, de l'eau, du soleil et de l'air. Et ceux-ci ne demeurent pas sans vieillir ni se corrompre ni se fâner, comme les corps, mais ils meurent, tout comme les corps, tous les corps étant faits de terre. Les choses simples et non-composées, en revanche, sont persistantes² et demeurent indissolubles jusqu'à l'accomplissement, telles que le soleil, la psychè humaine, la lumière, les luminaires, l'air, les eaux, le feu, le souffle et toutes les choses qui sont simples et dans leur propre nature.³

«2» Au sujet de la psychè nous disons qu'il y a en elle cinq passions, qui sont appelées les passions psychiques. Elles sont les suivantes: colère, chagrin, crainte, souci et envie.⁴ Celui qui possède une saine raison est donc capable de les dominer.⁵

¹ Nous avons choisi de rendre ψυχή dans ce texte par « psychè », ce qui est moins connoté (surtout dans un contexte chrétien) que le mot « âme »; en effet, dans ces fragments, il ne s'agit pas de l'âme dans un sens théologique ou métaphysique, mais bien d'une partie essentielle de tout être vivant, qui interagit avec le corps.

² L'adjectif εὐδιάμονος n'est attesté que dans ce texte et dans le texte qui lui a peut-être servi de source, à savoir une scholie au *Via Dux* (reprise d'ailleurs dans le lexique du Ps.-Zonaras, s.v. σύνθεσις) (cf. *app. fontium* et le commentaire). Lampe le traduit par « enduring ».

³ A partir de Καὶ αὐτὰ οὐκ ἀγήρατα jusqu'à la fin du fragment, le texte du *LDef* édité dans la PG semble être une réécriture du texte dans une langue plus claire et plus philosophique (cf. *app. III*).

⁴ Sur ces cinq passions psychiques, voir notre commentaire.

⁵ Il s'agit clairement d'une allusion au texte de IV Macc. 7,17: ἵσως δ' ἂν εἰποιέν τινες τῶν παθόντων οὐ πάντες περιζωροῦσιν, ὅτι οὐδὲ πάντες φρόνιμον ἔχουσιν τὸν λογισμόν (« certains diraient peut-être que tous n'ont pas le contrôle de leurs passions, parce que tous n'ont pas un raisonnement sensé »).

- <3> Ἡ ψυχὴ δὲ ὑπάρχει καθ' ἑαυτὴν θερμὴ, ὡς πῦρ καιόμενον·
 ὥσπερ οὖν τὸ πῦρ τὰ βαλλόμενα εἰς λέβητα ἐψεί, οὕτως καὶ ἡ πυ-
 ρώδης ψυχὴ τὰ παραπεμπόμενα σιτία τῇ κοιλίᾳ λεπτύνει καὶ δα-
 πανᾷ. Κἂν δὲ ψυχὴ λέγεται, οὐ λέγεται διὰ τὸ οὕτως εἶναι ψυχρὰν
 5 τῇ οὐσίᾳ, ὥς τινες τῶν ἀπλουστέρων διανοήθησαν, ἀλλὰ διὰ τὸ ἐκ
 πολλῆς θερμότητος ἀναξηραίνει αὐτὴν τὰ ὑγρὰ, ὥς ἔστι πληρο-
 φορηθῆναι καὶ ἐκ τῆς ἐνεργείας τοῦ ἡλίου – ὦν γὰρ πυρρὸς καὶ
 θερμώδης, πηλὸν ξηραίνει καὶ πᾶν ὑγρὸν ἀνιμάται. Ὅτι δὲ ἡ ψυχὴ
 θερμὴ ἐστὶ κατὰ φύσιν, πείθου καὶ ἐκ τῶν ἀποθνησκόντων· ἡ γὰρ
 10 ὥρα ἡ ψυχὴ χωρισθῇ ἐκ τοῦ σώματος, πάντα τὰ μέλη εὐρίσκονται
 κρυσταλλώδη, καὶ οὐδὲν ἦττον πάγους χειμερινοῦ. Ἔως γὰρ ἔχει
 ἡ ψυχὴ τὴν τροφὴν εἰς ἀφθονίαν, τὸ σῶμα θάλλει καὶ ἀδρύνεται·
 ὀπηνίκα δὲ ἀπορήσει σιτίων, αὐτὸ τὸ σῶμα κατεσθίει καὶ φθείρει
 – οὐ γὰρ δύναται τὸ σῶμα ἄνευ τροφῆς ἀντέχειν πρὸς τὴν θερμῶ-

3,1 Sir. 23.17 4-5 διὰ – οὐσίᾳ cf. e.g. Ioh. Stob., Anthol. I, 49, 32, 98-100

3,1 ψυχὴ δὲ] inv. CA | ἐαυτὴν] αὐτὴν V, ἑαυτῆς CA | θερμὴ] om. CA | ὡς]
 ὥσπερ N 2 ὥσπερ] ὡς PG | οὖν] om. CA | λέβητα] τὸν praem. B CA (λέυιτα I)
 | ἐψεί] (sic), ἔψει CA, ἐψεί I 2-3 ἡ – ψυχὴ] ἡ ψυχὴ ἡ πυρώδης B 3 σιτία] σίτ()
 I, σίτα CA | τῇ] ἐν praem. V PG 4-5 Κἂν – οὐσίᾳ] Ψυχὴ γὰρ, οὐ διὰ τὸ ψυχρὸν
 τὴν οὐσίαν εἶναι, καλεῖται PG 4 λέγεται¹] λέγοιτε V, λέγεται B, λέγ()τ() I | ψυ-
 χρὰν] ψυχικὴν N 5 τῇ οὐσίᾳ] τὴν οὐσίαν B CA | ὡς] καθὼς PG | διανοήθησαν]
 ἐνόμισαν PG, διενόησαν CA 7 καὶ] τὸ B | ἐνεργείας] συνεργίας B, συνεργείας
 I 7-8 ὦν – θερμώδης] Θερμὸς γὰρ ὦν καὶ πυρώδης PG, ὦν γὰρ πυρώδης καὶ θερ-
 μώδης CA 7 πυρρὸς I : πυρὸς VN B, πυρώδης PG CA (cf. supra) 8 πᾶν ὑγρὸν]
 πάνυγρὸν CA | ἀνιμάται] ἀνηκρύνεται V (ἀνημάται N) (ἀνειμάται I) 9 πείθου]
 πείθουσιν N, παράθου PG | καὶ] τοιγαροῦν CA 9-10 ἡ – ὥρα] οἷς, οἰανώραν N
 10 χωρισθῇ ante ἡ ψυχὴ transp. N | ἐκ] ἀπὸ CA | εὐρίσκονται post κρυσταλλώ-
 δη transp. PG 11 κρυσταλλώδη] ψυχρὰ καὶ praem. PG | καὶ] om. PG | ἦττον]
 εἰσὶν add. N | πάγους] πάγου PG, πάχους B, πάθους CA | χειμερινοῦ] χειμερείου
 B, χειμερίου I CA | Ἔως] ὡς N 12 τὴν] om. V B τροφὴν] προαίρεσιν N | τὸ
 σῶμα post θάλλει transp. PG ἀδρύνεται] ἀνδρύνεται N, ἀνδρίνεται I, ἀνδαινεται
 CA 13 ὀπηνίκα] ὁπότεν CA | ἀπορήσει] ἀπορρήσει B, ἀπορρήσει I, ἀπορήσει
 CA | σιτίων] σίτον N 13-14 κατεσθίει – ἀντέχειν] ἀντὶ τροφῆς ἀντέχει CA (...
 φθείρε(ται)... δυνατόν... I)

3,1 ψυχὴ – θερμὴ] ... ἐπεὶ ἐστὶν τὴν φύσιν θερμὴ κατὰ τὸν λόγοντῆς Σοφίας· Ψυχὴ
 θερμὴ FC 2 λέβητα] τὸν praem. FC | ἐψεί] FC^{cd} (mss GH), ἐψεί FC^{pp} (mss
 CP), ἐψεί FC^{pp} (mss AT), ἔψει FC^{pp} (mss S EFK) 4 λέγεται¹] FC^{pp} (mss A FH),
 λέγεται FC^{cd} | οὕτως] om. FC | ψυχρὰν] ψυχρὰ FC 5 διανοήθησαν] φήθησαν
 FC 7-8 ὦν – θερμώδης] ὦν γὰρ θερμὸς καὶ πυρώδης FC 9 πείθου] ἀδελφε add.
 FC 10 ἡ – ἐκ] ἀποκριθῇ ἡ ψυχὴ ἀπὸ FC 11 πάγους χειμερινοῦ] πάγου χειμερίου
 ἡ χιονος ψυχρότερα, καὶ δὴ ἀπὸ τῶν λιμῶν ἐστὶ δοκιμάσαι τὸ λεγόμενον FC 12
 ἀδρύνεται] FC^{cd} (mss C DF), ἀδρύνεται FC^{pp} (mss A BS T EGHFK)

«3» La psychè se trouve chaude par elle-même, comme un feu qui brûle ; donc, comme le feu fait bouillir⁶ ce qui est jeté dans un chaudron, ainsi aussi la psychè, qui a la nature d'un feu, digère et consomme dans l'estomac les aliments qui y sont envoyés. Bien qu'elle soit appelée « psyché », elle n'est pas appelée ainsi parce qu'elle est froide (ψυχρά) par nature, comme l'avaient imaginé quelques personnes des plus simplistes, mais parce que de sa grande chaleur elle dessèche les liquides, comme cela peut être accompli aussi par l'énergie du soleil – comme celui-ci est enflammé et chaud, il dessèche la boue et il fait s'évaporer tout liquide. Que la psychè est chaude par nature, tu peux t'en persuader en observant ceux qui meurent : au moment où la psychè se sépare du corps, tous les membres se trouvent comme gelés, et ce non moins que le givre hivernal. En effet, aussi longtemps que la psychè a de la nourriture à satiété, le corps prospère et croît, mais dès qu'elle manquera d'aliments, c'est le corps lui-même qu'elle dévorera et fera périr, car le corps ne peut pas résister sans

⁶ Nous avons gardé la forme contracte du verbe ἔψω (ἐψέω), bien que le LSJ considère l'existence de cette forme comme « dubious » et qu'on en trouve en effet peu d'exemples. Toutefois, parmi nos témoins, seul l'édition de Montfaucon (CA) présente la forme non contracte; quant au *FlorCoisl*, ses plus anciens et plus importants manuscrits (C, A et T) ont la forme contracte (avec esprit rude ou doux), bien que nous ayons alors choisi d'éditer la forme canonique ἔψει, présente dans des manuscrits secondaires et tardifs.

- 15 τητα τῆς ψυχῆς. Ὡστε ἀγγεῖον χαλκοῦν ἐστὼς λέβης ἐπὶ κλιβάνου οὐ δύναται ἄνευ ὕδατος φέρειν τὴν σφοδρότητα τοῦ πυρός – ἐκφρύγεται γὰρ καὶ διαλύεται τέλεον, οὕτως γοῦν καὶ ὁ λέβης τοῦ σώματος, μὴ ἔχων τὴν τροφήν, παρὰ τῆς πυρώδους ψυχῆς ὑπολικ-
μοῦμενος ἀπόλλυται παντάπασιν.

- «4» Εἰ θέλεις δοκιμάσαι μαθεῖν παρὰ τινος πῶς διάκειται ἡ ψυ-
χὴ ἐν τῷ σώματι, ἐρώτησον αὐτόν· “Εἰπέ μοι, ἐν ὅλῳ τῷ σώματι
κατοικεῖ ἡ ψυχὴ τοῦ ἀνθρώπου, ἢ ἐν ἐνὶ τόπῳ;” Καὶ ἐὰν εἴπῃ σοι
ὅτι· “Ἐν ὅλῳ τῷ σώματι”, εἰπέ αὐτῷ· “Καὶ πῶς τέμνουσι τὴν χεῖρα
5 τοῦ ἀνθρώπου ἢ τὸν πόδα, καὶ οὐ κόπτεται ἡ ψυχὴ, ἀλλὰ πάλιν
ζῇ ὁ ἄνθρωπος καὶ οὐκ ἀποθνήσκει;” Εἰ δὲ εἴπῃ σοι “Ἐν ἐνὶ μέρει
τόπου κεῖται”, πάλιν εἰπέ αὐτῷ ὅτι· “Καὶ πῶς εἰσὶ τὰ ἄλλα μέρη τοῦ
ἀνθρώπου χωρὶς ψυχῆς; Καὶ πῶς δύναται ἄψυχον μέλος ἔχειν ὁ
ἄνθρωπος; Καὶ πῶς ἐστὶ δυνατόν ζῆν χωρὶς ψυχῆς — πᾶν γὰρ τὸ
10 μὴ ἔχον ψυχὴν, νεκρὸν ἐστί; Καὶ οὐκ οἶδας τί λέγεις. Ἐγὼ δὲ εἶπω
σοι ἐν ποίῳ τόπῳ καὶ ἐν ποίῳ τρόπῳ, καὶ ποῦ ἀναπαύεται ἡ ψυχὴ.
Ἐν τρισὶ τόποις ἀναγκαίοις τοῦ σώματός ἐστιν ἐνιδρυμένη, καὶ

3,15 Ὡστε V : ὥσπερ N (οὔτε N^{s,l}), Ὡσπερ οὔτε PG BI CA | χαλκοῦν] χαλκόν
VI | ἐστὼς] ἦτοι CA | λέβης] om. PG 16 οὐ] om. PG ὕδατος] τοῦ praem.VN
| φέρειν ante ἄνευ transp. PG | σφοδρότητα] φαιδρότητα I 16-17 ἐκφρύγεται]
φρύγεται B 17 γὰρ] om. B | τέλεον] τελέων B, τέλειον CA | γοῦν] οὖν PG I,
om. CA 18-19 ὑπολικμούμενος VN CA : ἐκπυρούμενος PG, ὑπολιμού B, ἀπο-
λικμούμενος I 19 ἀπόλλυται PG BI : ἀπόλυται V, ἀπόλειται N, ἀπολείπεται CA |
παντάπασιν] τὰ πάντα πᾶσιν N 4,1 Εἰ θέλεις V : εἰ οὖν θέλεις B, εἰ θέλῃς οὖν I, Ἄν
θέλῃς CA 1-2 Εἰ – σώματι] Εἴ ποτε δέ σοι περὶ τῆς ψυχῆς τις ἀμφισβητοίη PG
1-23 Εἰ – δυνάμεως] al. verba N (cf. app. III) 1 μαθεῖν] om. I 3 κατοικεῖ] κεῖται
PG | ἐὰν] εἰ μὲν PG | εἴπῃ] εἴποι B 4 ὅτι] om. V | σώματι] κατοικεῖ add. B 4-5
τὴν χεῖρα ... τὸν πόδα] inv. V 5 τοῦ] om. V | τοῦ ἀνθρώπου post τὸν πόδα transp.
CA | κόπτεται] καὶ add. PG I 6 εἴπῃ] εἴποι B, εἴπ() I | σοι] illeg. I | Ἐν V PG :
ὅτι praem. B CA, εἰς praem. I ut vid. | μέρει τόπου V : μέρει PG, μέρει καὶ τόπῳ B,
μέρη τόπων I, τόπων CA 7 κεῖται] om. CA | πάλιν] om. CA | αὐτῷ] αὐτόν I, om.
PG | ὅτι V CA : om. PG BI | μέρη] μέλη B CA 7-8 Καὶ – ψυχῆς] om. CA
9 ζῆν post χωρὶς ψυχῆς transp. B | πᾶν] καὶ V 10 οἶδας] οἶδα CA | δέ] om. V
11 καὶ¹ – τρόπῳ] om. V | ἐν²] om. PG CA 12 ἀναγκαίοις] om. PG

4,1-23 Εἰ – δυνάμεως] Ἰστέον ὅτι τρεῖς ψυχὰς φασὶν· τὴν αὐξητικὴν, ἣτις ἐστὶν
τῶν φυτῶν καὶ τῶν ζώων· τὸ αἷμα, ἣτις ἐστὶ μόνον τῶν ζώων· καὶ τὴν λογικὴν, ἣτις
ἐστὶ μόνον τῶν λογικῶν ζώων N

3,15 Ὡστε] ὥς οὔτε FC | ἐστὼς] FC^{ed}, ἐστὸς FC^{pp} (mss ABS D) | λέβης] om. FC
18-19 ὑπολικμούμενος] ὑπολικμώμενος FC

nourriture à la chaleur de la psychè. De même⁷ qu'un récipient en bronze, un chaudron posé sur un four ne peut pas supporter sans eau la force du feu – il est brûlé et totalement détruit –, ainsi donc aussi le chaudron du corps, s'il n'a pas de nourriture, est dévoré⁸ par la psychè qui a une nature de feu et il est tout à fait détruit.

«4> Si tu souhaites tester si tu peux apprendre de quelqu'un quelle est la disposition de la psychè dans le corps, interroge-le : « Dis-moi, est-ce que la psychè de l'homme réside dans son corps tout entier ou dans un seul lieu? » Et s'il te dit : « Dans le corps tout entier », dis lui: « Et comment se fait-il que si l'on tranche la main de l'homme ou son pied, sa psychè n'est pas coupée, mais l'homme vit encore et ne meurt pas ? » Si alors il te dit : « Elle se trouve dans une seule partie de lieu. », dis-lui encore: « Et qu'advient-il des autres parties de l'homme si elles sont séparées de la psychè? Et comment l'homme peut-il avoir un membre qui soit sans psychè? Et comment est-il possible de vivre sans psychè? Et tu ne sais pas ce que tu dis ! Et bien laisse-moi te dire dans quel lieu et de quelle manière et où la psychè trouve son repos. C'est dans trois endroits cruciaux du corps qu'elle

⁷ Il y a un problème dans le texte ici: la présence d'une double négation οὔτε ... οὐ dans pratiquement tous les témoins, y compris le *FlorCoisl*. Nous avons décidé de suivre V, qui donne un texte compréhensible, même si οὔτε devait se trouver dans l'archétype du fragment (dans l'édition PG du *LDef*, le οὐ est omis).

⁸ Nous avons gardé la forme ὑπολιχμούμενος (qui doit venir de ὑπολιχμέω ou ὑπολιχμός), attestée par la plupart de nos manuscrits, et nous lui avons donné le sens que Lampe attribue au verbe ὑπολιχμάω, seul attesté, sur base de l'édition de notre fragment en tant que *Fragmentum in Matthaeum* par Montfaucon (ὑπολιχμούμενος). Or, comme nous l'avons dit dans notre introduction, pour cette édition, Montfaucon s'est servi du manuscrit A du *FlorCoisl*, qui, selon notre propre édition, a ὑπολιχμούμενος. Cette dernière forme, non attestée par ailleurs, serait sans doute plus satisfaisante au niveau du sens, puisque λιχμάω veut dire « part the grain from the chaff » (LSJ), tandis que les formes moyennes de λιχμάω signifient « lick up » (LSJ).

- ὥσπερ ἡ ἀκτὶς τοῦ ἡλίου εἰς ἓνα τόπον χωρεῖ καὶ εἰσέρχεται τοῦ οἴκου, φωτίζει δὲ πάντα τὸν οἶκον, οὕτως καὶ ἡ ψυχὴ· ἐν τρισὶ τό-
 15 ποῖς τοῦ σώματος κατοικοῦσα, φωτίζει τὸν οἶκον ὅλον τοῦ σώμα-
 τος. Κατοικεῖ δὲ ἡ ψυχὴ ἐν τῇ καρδίᾳ, καὶ ἐν τῷ ὀπισθεν μέρει τῆς
 κεφαλῆς, ὅπερ κότυλον ὀνομάζουσι, καὶ ἐν ταῖς βασιλικαῖς φλε-
 ψίν· ἐν τούτοις τοῖς τρισὶ μέρεσι κατοικεῖ ἡ ψυχὴ. Διατούτο ἦν ἂν
 20 ὥραν τρωθῇ ἡ καρδία, ἢ ἡ βασιλικὴ φλεψ ἐκρεύσῃ αἷμα πολὺ, ἢ ἡ
 κεφαλὴ κρουσθῇ ὑπὸ ξίφους καὶ τμηθῇ, παρευθὺς χωρίζεται τοῦ
 σώματος ἡ ψυχὴ, καὶ νεκρὸν τὸ σῶμα εὐρίσκεται· κατοικοῦσα δὲ ἡ
 ψυχὴ ἐν τοῖς τρισὶ μέρεσι, μεταδίδωσιν ὅλῳ τῷ σώματι τῆς οἰκείας
 ζωτικῆς δυνάμεως.”

13 εἰς] ἀεὶ CA 13-14 τοῦ οἴκου] τὸν οἶκον CA 14 δὲ] om. I | οὕτως] om. PG |
 τρισὶ] τοῖς praem. PG I 14-15 τόποις] μέρεσι PG 15 κατοικοῦσα] ἐνδρυνμένη
 PG | φωτίζει] ζωογονεῖ et transp. ante τοῦ σώματος PG | οἶκον ὅλον] inv. V 16
 ἡ ψυχὴ] om. B CA | καὶ ἐν] om. CA 17 κότυλον] κόνδυλον B | ὀνομάζουσι]
 ὀνομάζεται PG 17-18 φλεψίν PG B : φλέβες(in) V, φλέβαις I CA 18 τούτοις]
 οὖν add. PG 18-19 ἦν ἂν ὥραν V PG : οἶαν ὥραν B, αἶν ὥραν (sic) I, ἢ ὥρα CA
 19 τρωθῇ] κρουσθῇ CA | ἡ καρδία] ἡ κεφαλὴ, ἢ praem. CA | ἡ βασιλικὴ φλεψ
 B CA : βασιλικὴν φλέβα V, ἐκ τῆς βασιλικῆς φλεβὸς PG, ἡ βασιλικὴ φλέβα (sic) I |
 ἐκρεύσῃ CA : ἐκρεῦσαι BI, ἐκρεῦσαι V, ῥεύσῃ PG | αἷμα ante ἐκρεύσῃ transp. PG
 19-20 ἢ – τμηθῇ] om. CA 20 ὑπὸ ξίφους post τμηθῇ transp. PG | παρευθὺς]
 καὶ εὐθὺς CA 21 ἡ ψυχὴ ante τοῦ σώματος transp. B 22 τρισὶ] τούτοις add.
 PG | μεταδίδωσιν post σώματι transp. PG 22-23 οἰκείας ζωτικῆς] inv. B, οἰκείας
 φωτισμοῦς CA 23 δυνάμεως] al. verba add. V (cf. app. III)

23 δυνάμεως] Πάσαι αἱ αἰσθήσεις ἐκ τῆς κεφαλῆς ἔχουσαι τὴν ἀρχὴν καὶ τὴν πη-
 γήν· τὰ φωνητήρια ὄργανα ἐκείθεν ἀναπέμπεται τὸ διορατικόν· τὸ ὁσφρητικόν· ἡ
 ἀφῆ (...) πᾶσα· ἡ τῶν νεύρων ῥίζα, καὶ τῶν ὁστών ἐκείθεν συνέστηκεν (= Ioh.
 Chrys., In epistulam ii ad Thessalonicenses (homiliae 1-5), PG 62, col. 500.6-11)
 add. V

est fixée, et comme le rayon du soleil se dirige et entre dans la maison à travers un seul lieu, mais illumine toute la maison, ainsi aussi la psychè, bien qu'elle réside dans trois endroits du corps, illumine la maison tout entière du corps. L'âme réside dans le coeur, dans la partie arrière de la tête, qu'on appelle κότυλος,⁹ et dans les "veines basiliques".¹⁰ C'est dans ces trois endroits que réside la psychè. C'est pourquoi s'il arrive que le coeur soit blessé, ou que la veine basilique perde beaucoup de sang, ou que la tête soit frappée par une épée et tranchée, aussitôt la psychè se sépare du corps et le corps se retrouve à l'état de cadavre. Bien qu'elle réside dans trois parties, la psychè transmet au corps entier sa propre puissance vitale. »

⁹ Dans le dictionnaire byzantin de Trapp notre texte est le seul exemple pour cette acception du mot κότυλον ou κότυλος, qui en grec ancien signifie la coupe.

¹⁰ Voir notre commentaire à ce sujet.

Commentaire

Il est difficile de situer des extraits aussi courts dans leurs contextes respectifs, d'autant plus qu'ils ont pu être manipulés par le compilateur ou les compilateurs successifs. Dans les pages qui suivent, nous tenterons cependant de discuter les doctrines et de signaler les sources de chaque fragment.

Fragment 1

Ce fragment est clairement apparenté à un *scholion* édité par Uthemann, dans le *Viae Dux* d'Anastase le Sinaïte (II, 8.120-137) : Ἰστέον, ὡς αἱ σύνθετοι φύσεις, ὡς σύνθετοι, πεφύκασιν εἶναι καὶ εὐδιάλυτοι, ὥς φησιν ὁ μέγας Γρηγόριος, ὅτι « Σύνθεσις ἀρχὴ διαστάσεως ». Διὰ τοῦτο γοῦν τὰ σώματα καὶ ἀνθρώπων καὶ ζώων εὐφθαρτα καὶ εὐθνητα τυγχάνει ὡς ἐκ τεσσάρων φύσεων «καὶ» στοιχείων συγκείμενα καὶ οἰονεῖ τῶν στοιχείων πρὸς ἄλληλα ἐναντίως ἐχόντων καὶ στασιαζόντων. Τὰ δὲ ἀπλά καὶ ἀσύνθετα τῶν πραγμάτων εὐδιάμονα καὶ ἕως τῆς συντελείας ἀκατάλυτα μένει, οἷον ψυχὴ ἀνθρώπου, ἥλιος, φῶς, φωστῆρες, ἀήρ, ὕδατα, πῦρ, πνεῦμα καὶ πάντα τὰ ἀπλά καὶ ἐνιαῖα καὶ ἀμυγῇ καὶ ἀσύνθετα. Ὅθεν καὶ τὰ φυτὰ καὶ δένδρα, ὡς διὰ τῶν τεσσάρων στοιχείων συνιστάμενα (λέγω δὴ γῆς καὶ ὕδατος καὶ ἡλίου καὶ ἀέρος), καὶ αὐτὰ οὐκ ἀγήρατα, οὐδὲ ἄφθαρτα, οὔτε ἀμάραντα ἕως ἔξω διαμένει, ἀλλὰ θνήσκει καθὰ καὶ τὰ σώματα. Ὡσπερ καὶ ἡ γῆ συνίσταται· ποιήσον δὲ πλίνθον σύνθετον ἐκ γῆς καὶ ὕδατος, καὶ εὐχερῶς φθείρεται.

Uthemann considère ces scholies comme appartenant à la première forme de diffusion du texte d'Anastase (nous laissons volontairement de côté les questions d'authenticité posées par ce texte). Il semble bien que notre fragment dérive de cette scholie : l'excerptateur a omis la citation de Grégoire de Nazianze du début, il a raccourci le texte et la formulation est plus maladroite, avec des répétitions inutiles. Ce petit texte est curieux à bien des égards. La psychè est considérée comme quelque chose de matériel – une doctrine d'influence stoïcienne (e.g. Long & Sedley 1987, 27 B), comme un élément simple (par opposition aux corps des humains et des animaux, et aux plantes), qui n'est pas sujet à la corruption, mais demeure tel qu'en lui-même jusqu'à

la συντέλεια (à interpréter comme la fin des temps dans la pensée chrétienne ?). Il est intéressant de noter que, dans cette vision des choses, la psychè n'est pas décrite comme une force maintenant ensemble la réalité composée, comme c'est le cas généralement dans la philosophie antique (cf. Platon, *Timaeus* 35b, Aristote, *De anima* 410b 10-15, les Stoïciens SVF 244), ni comme un principe animant les corps matériels; il n'est pas non plus dit si la psychè interagit en quelque façon avec le corps ni comment.

Fragment 2

Ce fragment très court est constitué de deux phrases. La première donne une liste des cinq ψυχικά πάθη. Cette question des ψυχικά πάθη se trouve dans la psychologie philosophique et médicale ancienne. Aristote donne plusieurs listes de πάθη psychiques : e.g. *Ethica Nicomachea* 1105b 19-23, ou encore dans le *De anima* 403a 16-19 : ἔοικε δὲ καὶ τὰ τῆς ψυχῆς πάθη πάντα εἶναι μετὰ σώματος, θυμός, πραότης, φόβος, ἔλεος, θάρσος, ἔτι χαρὰ καὶ τὸ φιλεῖν τε καὶ μισεῖν· ἅμα γὰρ τούτοις πάσχει τι τὸ σῶμα. Galien distingue sept πάθη ψυχῆς dans son *De propriorum animi cuiuslibet affectuum dignitione et curatione* (Kühn V, p. 7, 12-13) : θυμὸς καὶ ὀργή καὶ φόβος καὶ λύπη καὶ φθόνος καὶ ἐπιθυμία σφοδρά. Dans notre fragment manquent le θυμός et l'ἐπιθυμία. Quant à la φροντίς, on la trouve dans d'autres listes de Galien : *Ars medica* 371, 10-12 : ὀργῆς, λύπης, θυμοῦ, φοβοῦ, καὶ φθόνου, καὶ φροντίδος ; *De crisibus libri III* 697, 1-2 : φροντίδος καὶ φόβου καὶ θυμοῦ καὶ λύπης.

La seconde phrase consiste en la seule vraie citation identifiée dans l'ensemble des fragments, à savoir IV Macc. 7.17, un texte non canonique, à teneur philosophique.

Fragment 3

Dans ce fragment, la psychè est décrite comme l'élément chaud, qui est généralement assimilé avec le sang (dans la théorie classique des quatre humeurs). L'auteur réfute l'étymologie populaire qui associe ψυχή à la racine de l'adjectif ψυχρός, mais ne propose pas d'étymologie alternative. Plus encore que dans

le fragment 1, la psychè est un élément matériel. L'auteur développe la théorie curieuse, pour laquelle nous n'avons trouvé aucun parallèle, selon laquelle la nourriture est nécessaire pour empêcher l'âme brûlante de dévorer le corps. Comme nous l'avons dit plus haut, le *Florilegium Coislinianum* attribue ce fragment à Athanase et Montfaucon le range parmi les *Scholia in Matthaeum* pseudo-athanasiennes (CPG 2141.7). Il est possible, mais non certain, que le *FlorCoisl* soit à l'origine de ce fragment.

Fragment 4

Ici aussi il s'agit de la psychè en tant que principe vital matériel et l'auteur la situe à trois endroits précis du corps : ἐν τῇ καρδίᾳ, καὶ ἐν τῷ ὀπισθεν μέρει τῆς κεφαλῆς, ὅπερ κότυλον ὀνομάζουσι, καὶ ἐν ταῖς βασιλικαῖς φλεψίν. Clairement, la psychè est, comme dans le fr. 3, associée avec le sang (cœur, *veine basilique*). Comme dans le fr. 3 également, la psychè est comparée avec le soleil, non en raison de sa chaleur, mais en tant qu'elle « illumine » le corps, qu'elle en est le principe vital. Nous n'avons pas trouvé d'autres textes où la psychè est située à trois endroits. Le mot κότυλον ou κότυλος dans cette acception semble être un hapax. L'expression βασιλικὴ φλέψ est également problématique : elle semble désigner ici une artère, peut-être l'aorte, sinon on n'expliquerait pourquoi l'auteur lui donne une fonction vitale. Or, la veine basilique (*vena basilica*) est, dans l'anatomie moderne (aussi en grec moderne), l'une des veines du bras. L'origine de cette acception moderne (qui semble venir de la médecine arabe) est compliquée.³¹ Le TLG fournit deux autres occurrences de cette expression, avec le même sens que dans notre fragment : dans une Vie de saint (*Vita et Miracula Petri Atroatae* 45, 3) et dans une épopée populaire du XIII^e-XIV^e s., *Ὁ Πόλεμος τῆς Τρωάδος*, 8252.

³¹ Voir Oesterle (1980). Notre texte est cité dans cet article p. 386, et daté, pour une raison inconnue, du VI^e s.

Conclusion

Cet extrait du *LDef* nous a conservé des doctrines (pseudo-) médicales peu banales, qui peuvent exister ailleurs, mais les textes restent à découvrir et à étudier. Le *LDef* mériterait, nous semble-t-il, une édition critique et une nouvelle étude de sa relation aux définitions du *Viae Dux*. Nous espérons que ce modeste article aura pu montrer l'intérêt qu'il y a à étudier des textes transmis par des voies plus étroites.

Appendice: comparaison entre Liber de definitionibus et *Viae Dux* II, 1-8

Cette comparaison a pour but de permettre au lecteur de se faire une idée quant à la proximité de contenu entre *Viae Dux* II et *LDef*. Du tableau dressé ci-dessous, il apparaît clairement que les deux œuvres traitent des mêmes sujets dans un ordre pratiquement identique, une exception remarquable à cet égard étant l'inversion entre la définition de σώμα et celle de αἴσθησις (*LDef* 548 B-D et *Viae Dux* II 5, 74-104), ou le déplacement de la définition de τριάς (*Viae Dux* II 2, 46-47 et *LDef* 537 B). Cela ne veut pas dire que le contenu soit toujours exactement le même et on constate ici et là des différences plus ou moins importantes, par exemple dans le traitement de φύσις et de ὑπόστασις (*Viae Dux* II 3, 1-79 et *LDef* 537 A-D). Le *LDef* ajoute parfois des exemples (*LDef* 540 B 11 - C 5 : ajout des exemples δένδρον, ὕδωρ, θάλασσα) et a parfois des développements plus longs, mais le *Viae Dux* contient en général plus d'étymologies. On remarquera que les rapports entre les deux ouvrages deviennent moins étroits vers la fin.

Dans le tableau suivant, nous avons repris les titres édités comme tels par Uthemann (*Viae Dux*) et par Felkmann (*LDef*), et ajouté, en les plaçant entre parenthèses, les mots qui font l'objet d'une définition sans toutefois apparaître comme titres dans les éditions. Uthemann a parfois signalé ces « lemmes » en les mettant en italiques, ce que nous avons conservé. Il faut toutefois noter que les titres ne sont pas toujours clairement identifiés comme tels dans les manuscrits, ce qui laisse une assez grande latitude aux éditeurs (et l'édition de Felkmann ne semble pas fiable sur ce point) : il ne faut donc pas accorder trop d'importance à la présence ou à l'absence de ces parenthèses dans le tableau.

<i>VIAE DUX</i>	<i>LIBER DE DEFINITIONIBUS</i>
Π 1, 1-60 titre, prologue	533 A – 536 B titre, prologue
Π 2, 1-17 Τί θεός; καί, Κατὰ τί θεός; καί, Ὅσαχῶς εἴρηται τὸ θεός;	536 B-C (Τί ἐστι Θεός; καὶ κατὰ τί εἴρηται Θεός; καὶ ὅσα- χῶς νοεῖται Θεός;)
Π 2, 18-25 Τί πατήρ; καί, Κατὰ τί εἴρηται πατήρ; καί, Ὅσαχῶς ἐπὶ θεοῦ ἡ πατρότης;	536 C (πατήρ)
Π 2, 26-36 Τί υἱός; καί, Κατὰ τί εἴρη- ται υἱός; καί, Ὅσαχῶς ὁ υἱὸς νοεῖται;	536 C (υἱός)
Π 2, 37-45 Τί πνεῦμα; καί, Κατὰ τί εἴρηται πνεῦμα; καί, Ὅσαχῶς λέγεται ἐν τῇ γραφῇ τὸ πνεῦμα;	536 C (πνεῦμα)
Π 2, 46-47 <i>Τριάς</i>	– cf. 537 B
Π 2, 48-51 <i>Αἰδίων</i>	536 D (αἰδίων, ἄναρχον)
Π 2, 52-55 <i>Ιδίωμα</i>	537 A (ιδίωμα)
Π 3, 1-49 Περί φύσεως. Τί φύσις; καί, Ὅσαχῶς ἡ φύσις; καί, Κατὰ τί εἴρηται φύσις;	537 A-B (Τί λέγεται φύσις;)
– cf. Π 2, 46-47	537 B (ἁγία τριάς)
Π 3, 50-79 Περί ὑποστάσεως. Τί ὑπό- στασις; καί, Κατὰ τί ὑπόστασις; καί, Ὅσαχῶς ἡ ὑπόστασις εἴρηται;	537 C-D (οὐσία, ὑπόστασις)
Π 3, 80-137 Πάλιν περί φύσεως	537 D – 540 C (φύσις, ὑπό- στασις)
Π 4, 1-20 Περί θελήματος. Τί ἐστι θέ- λημα; καί, Κατὰ τί εἴρηται θέλημα; καί, Ὅσαχῶς ἐστι τὸ θέλημα;	540 C – 541 A Περί θελήμα- τος, καὶ ιδιώματος, καὶ ἐνεργείας, καὶ περὶ ἐνώσεως καὶ ὁμοουσίου (Τί ἐστι θέλημα;)
Π 4, 21-48 Περί ιδιώματος. Τί ιδίωμα; καί, Ὅσαχῶς τὸ ιδίωμα; καί, Κατὰ τί εἴρηται ιδίωμα;	541 B-C Τί λέγεται ιδίωμα
Π 4, 49-53 <i>Συμβεβηκός</i>	541 C (συμβεβηκός)
Π 4, 54-73 <i>Θέλημα οὐσιώδες</i>	–
Π 4, 74-190 Περί ἐνεργείας. Τί ἐνέρ- γεια; καί, Κατὰ τί εἴρηται ἐνεργεια; καί, Ὅσαχῶς ἡ ἐνεργεια;	541 C – 544 C Περί ἐνεργείας

Π 5, 1-18 Περί ενώσεως. Τί ἐστιν ἔνωσις; καί, Κατὰ τί εἴρηται ἔνωσις; καί, Ὅσαχῶς νοεῖται ἡ ἔνωσις;	544 C – 545 A Περί ενώσεως (Τί ἐστιν ἔνωσις; καὶ ποσαχῶς νοεῖται ἡ ἔνωσις;)
Π 5, 19-52 Περί ὁμοουσίου. Τί ὁμοούσιον; καί, Κατὰ τί εἴρηται ὁμοούσιον; καί, Ὅσαχῶς τὸ ὁμοούσιον;	545 B-C Περί ὁμοουσίου (Τί ἐστιν ὁμοούσιον, καὶ κατὰ τί εἴρηται ὁμοούσιον; καὶ ὅσαχῶς τὸ ὁμοούσιον;)
Π 5, 53-73 Περί ψυχῆς. Τί ψυχὴ; καί, Κατὰ τί εἴρηται ψυχὴ; καί, Ὅσαχῶς λέγεται ἡ ψυχὴ;	545 C – 548 B Περί ψυχῆς καὶ νοός
Π 5, 74-97 Περί σώματος	548 B-C (αἰσθησις)
Π 5, 98-104 Περί αἰσθήσεως	548 C-D (σῶμα)
Π 5, 105-149 Περί φθαρτοῦ. Τί φθαρτόν; καί, Κατὰ τί εἴρηται φθαρτόν; καί, Ὅσαχῶς ἡ φθορά;	548 D – 549 A Περί φθαρτοῦ (Τί ἐστι φθαρτόν; καὶ κατὰ τί εἴρηται φθαρτόν; καὶ ὅσαχῶς εἴρηται φθαρτόν)
—	549B Διὰ τί λέγεται πρωτότοκος
Π 6, 1-9 Περί πίστεως. Τί πίστις; καί, Κατὰ τί εἴρηται πίστις; καί, Ὅσαχῶς ἡ ὀρθὴ πίστις;	—
Π 6, 10-12 <i>Ὁρθοδοξία</i>	
Π 6, 13-19 Περί λόγου. Τί λόγος; καί, Ὅσαχῶς ὁ λόγος; καί, Κατὰ τί εἴρηται λόγος;	549 C Τί ἐστι λόγος, καὶ ὅσαχῶς ὁ λόγος;
Π 6, 20-21 <i>Χριστιανός</i>	549 C Τί ἐστι Χριστιανός;
Π 6, 22-23 <i>Αἰρετικός</i>	549 D (Αἰρετικός)
Π 7, 1-64 définitions diverses <i>Ἄτρεπτόν</i> <i>Φυσικόν</i> <i>Παρά φύσιν</i> <i>Θέωσις</i> <i>Οἰκονομία</i> <i>Θεωθὲν</i> <i>Ἡ σύγκρασις</i> <i>Λύπη</i> <i>ὄρεξις</i> <i>ἐπαθυμητικόν</i> ...	549 D – 552 A <i>Ἄτρεπτόν</i> <i>Φυσικόν</i> <i>Παρά φύσιν</i> —

II 7, 65–86 Περί τοῦ πρὸς τι	—
II 8, 1–9 Περί ἐτυμολογίας	552 A–B (ἐτυμολογία)
II 8, 9–100 étymologies diverses	—
II 8, 101–119 Περί τοῦ οἰκονομικῶς	—
– mais cf. <i>scholion</i> (II 8, 120–137) ³²	552 B (σῶμα)
II 8, 138–154 Ἀνατροπὴ καὶ καθαί- ρεσις τοῦ πολυθρυλήτου προβλήματος πάντων τῶν Μονοφυσιτῶν τοῦ φάσκο- ντος, ὡς οὐκ ἔστι φύσις ἀνυπόστατος.	—
—	552 C – 553 B Περί ψυχῆς

Bibliographie

Anciennes éditions (par ordre chronologique)

- P. Nanninck (1556), *Athanasii Magni Alexandrini Episcopi, grauius. scriptoris, et sanctiss. martyris, opera in quatuor tomos distributa: quorum tres sunt a Petro Nannio Alcmariano, ad Græcorum exemplarium fidem iam primum conuersi, exceptis paucis antehac imperfectis ab eo denuo plenius et latinius redditis: Quartus, Latina multorum interpretatione fere totus seorsim emissus, nunc in unum digestus et concinnatus*, Basileae: apud Frobenium.
- P. Felkmann (1600), *Operum sancti patris nostri Athanasii archiepiscopi Alexandrini tomus secundus. Continens ea quæ a diuersis interpretibus ex Græco in Latinum sermonem conuersa sunt: inter quæ non pauca quæ tam Græce quam Latine nunc primum eduntur*, [Heidelberg]: Ex Officina Commeliniana.
- P. Felkmann (1601), *Ad opera s. patris nostri Athanasii archiepiscopi Alexandrini appendix*, [Heidelberg]: Ex Officina Commeliniana.
- J. Fischer (1627), *Sancti Patris nostri Athanasii archiepiscopi Alexandria opera quæ reperiuntur omnia. Cum indicibus necessariis*, vol. II, Parisiis: Sumptibus Michaelis Sonni, Claudii Morelli, & Sebastiani Cramoisy.
- B. Montfaucon (1698), *Athanasii archiep. Alexandrini opera omnia quæ extant uel quæ eius nomine circumferuntur*, vol. II, Parisiis: Sumptibus Ioannis Anisson.

³² Il faut noter que c'est le seul cas où il semble y avoir une correspondance entre une scolie du *Viae Dux* et le *LibDef* (cf. *supra*, le commentaire au fragment 1 du *CorpAn*).

B. Montfaucon (1706), *Collectio nova Patrum et Scriptorum Graecorum, Eusebii Caesariensis, Athanasii, & Cosmae Aegyptii*, Parisiis: Sumptibus Claudii Rigaud.

Sources primaires

Anastasius Sinaita, *Viae Dux*, ed. K.-H. Uthemann, Turnhout: Brepols, 1981 (Corpus Christianorum. Series Graeca, 8).

Aristoteles, *De Anima*, ed. W.D. Ross, Oxford, 1979 (Oxford Classical Texts).

Aristoteles, *Ethica Nicomachea*, ed. I. Bywater, Oxford, 1894 (Oxford Classical Texts).

Claudius Galenus, *De propriorum animi cuiuslibet affectuum dignotione et curatione*, ed. Wilko De Boer, Leipzig-Berlin, 1937 (Corpus medicorum graecorum: V, 4, 1, 1).

Claudius Galenus, *Ars medica*, ed. C.G. Kühn, *Claudii Galeni opera omnia*, Leipzig, 1821, I, p. 305–412 [repr. Hildesheim: Olms, 1964].

Claudius Galenus, *Περὶ κρίσεως*, ed. B. Alexanderson, Göteborg, 1967, p. 69–212 (Studia Graeca et Latina Gothoburgensia, 23).

Gregorius Nyssenus, *De opificio hominis*, ed. G.H. Forbes, *Sancti patri nostri Gregorii Nysseni Basilii Magni fratris quae supersunt omnia*, I, fasc. 1–2, Burntisland, 1855, p. 96–319.

Hippocrates, *De morbis popularibus*, ed. É. Littré, in *Oeuvres complètes d'Hippocrate*, II–III, V, Paris: Baillière, II: 1840; III: 1841; V: 1846 [repr. Amsterdam: Hakkert, 1961–1962].

Nemesius Emesenus, *De natura hominis*, ed. M. Morani, Leipzig, 1987 (Bibliotheca scriptorum Graecorum et Romanorum Teubneriana).

Ὁ Πόλεμος τῆς Τρωάδος, ed. E. Jeffreys and M. Papatomopoulos, Athens, 1996 (*Βυζαντινὴ καὶ Νεοελληνικὴ Βιβλιοθήκη*, 7).

La Vie merveilleuse de saint Pierre d'Atroa, ed. V. Laurent, in *Subsidia hagiographica*, 29, 1956, p. 65–225.

Plato, *Timaeus*, ed. J. Burnet, *Platonis opera*, Oxford, IV, 17a–92c, 1902 [repr. 1968] (Oxford Classical Texts).

Littérature secondaire

R. Bellarmino (1613), *De scriptoribus Ecclesiasticis*, Lugduni: sumptibus Horatii Cardon.

V. Benešević (1904), *Εἰδήσεις περὶ τῶν ἐν τῷ Βατοπεδίῳ καὶ τῇ Λαύρᾳ...* Sanktpeterburg: Tipogr. Imperatorskoj akademii nauk.

- M. Boylan (2007), 'Galen: On Blood, the Pulse, and the Arteries', in *Journal of the History of Biology*, 40.2, p. 207-230.
- Ie. Chernukhin (2000), *Greek Manuscripts from Kyiv Collection* (in Russian), Kyiv: National academy of sciences of Ukraine.
- I. De Vos, E. Gielen, C. Macé et P. Van Deun (2010), 'La Lettre B du Florilège Coislin : editio princeps', in *Byzantion*, 80, p. 72-120.
- R. Devreesse (1950), *Codices Vaticani graeci*, t. III: *Codices 604-866*, Città del Vaticano: Biblioteca Apostolica Vaticana.
- P. Easterling, 'Handlist of the Additional Greek Manuscripts in the University Library, Cambridge', in *Scriptorium*, 16 (1962), p. 302-323.
- S. Eustratiades & Arcadios (1924), *Catalogue of the Greek Manuscripts in the Library of the Monastery of Vátopedi on Mt. Athos*, Cambridge: Harvard University Press.
- T. Fernández (2011), 'Dos fragmentos inéditos de Atanasio de Alejandría', in *Erytheia*, 32, p. 79-93.
- C. Furrer-Pilliod (2000), *Ὅροι καὶ ὑπογραφαί. Collections alphabétiques de définitions profanes et sacrées*, Città del Vaticano: Biblioteca Apostolica Vaticana (Studi e Testi, 395).
- R.J. Hankinson (1991), 'Galen's Anatomy of the Soul', in *Phronesis*, 36.2, p. 197-233.
- H. Hunger & W. Lackner (1992), *Katalog der griechischen Handschriften der österreichischen Nationalbibliothek*, vol. III, 3, Wien: Brüder Hollinek.
- C. Kannengiesser (1973), Athanase d'Alexandrie, *Sur l'incarnation du verbe*, Paris: Les éditions du Cerf (Sources chrétiennes, 199).
- G.T. Kolias (1967-1968), *Ἐκθεσις παλαιογραφικῶν ἐρευνῶν ἐν ταῖς Ἱ. Μοναῖς Προνοῦ Εὐρυτανίας καὶ Βαρνακόβης Δωρίδος κατὰ τὴν διαρκείαν τοῦ ἔτους 1967*, in *Ἐπετηρὶς Ἐπιστημονικῶν Ἐρευνῶν Πανεπιστημίου Ἀθηνῶν*, t. I, p. 653-660.
- M. Kouroupou & P. Géhin (2008), *Catalogue des manuscrits conservés dans la Bibliothèque du Patriarcat Oecuménique. Les manuscrits du monastère de la Panaghia de Chalki*, Turnhout: Brepols.
- A.A. Long & D.N. Sedley (1987), *The Hellenistic philosophers*, vol. I: *Translations of the principal sources, with philosophical commentary*, Cambridge – London: Cambridge University Press.
- C. Luna & A.-P. Segonds (2010), Proclus, *Commentaire sur le Parménide de Platon*, t. II: *Livre II*, Paris: Les Belles Lettres (Collection des Universités de France).
- C. Macé (2013), 'Les *Quaestiones ad Antiochum ducem* d'un Pseudo-Athanase (CPG 2257). Un état de la question', in *Question and*

- Answer Literature in Antiquity: From Teaching to Commenting*, ed. M.-P. Bussi res, Turnhout: Brepols, p. 121-150 (*Instrumenta Patristica et Medievalia*, 64).
- E. Mioni (1965), *Catalogo di manoscritti greci esistenti nelle biblioteche italiane*, Roma: Istituto poligrafico e zecca dello stato.
- E. Mioni (1992), *Catalogus codicum Graecorum Bibliothecae Nationalis Neapolitanae*, vol. I, 1, Roma: Istituto poligrafico e zecca dello stato.
- J. Mossay (1993), *Repertorium Nazianzenum. Orationes. Textus Graecus*, vol. III: *Codices Belgii, Bulgariae, Constantinopolis, Germaniae, Graeciae (pars prior), Helvetiae, Hiberniae, Hollandiae, Poloniae, Russiarum, Scandinaviae, Ucrainae et codex vagus*, Paderborn: Ferdinand Sch nningh (*Studien zur Geschichte und Kultur des Altertums. N.F. 2. Reihe: Forschungen zu Gregor von Nazianz*, 10).
- H.J. Oesterle (1980), 'Vena basilica - Vena cephalica. Die Genese einer unverständenen Terminologie', in *Sudhoffs Archiv*, 64.4, p. 385-390.
- H. Omont (1898), *Inventaire sommaire des manuscrits grecs de la Bibliothèque Nationale*, Paris: Leroux.
- T.S. Pattie & S. McKendrick (1999), *Summary Catalogue of Greek Manuscripts*, vol. I, London: The British Library.
- P. Van Deun (2000), *Maximus Confessor, Liber asceticus*, Turnhout: Brepols (*Corpus christianorum. Series Graeca*, 40).
- (Archimandrita) Vladimir (1894), *Систематическое описание рукописей Московской Синодальной (Патриаршей) библиотеки. Ч. 1: Рукописи греческие*, Moskva: Sinodalna ia tipografi a.

BARBARA CROSTINI
Stockholm

THE TEUBNER EDITION OF PSELLOS IN THE LIGHT OF A NEW FIND IN MS TRINITY COLLEGE DUBLIN 373

The discovery of a second witness¹ to a series of extracts published as ‘Opusculum 16’ in John Duffy’s Teubner edition of Psellos’ *Philosophica minora*² raises a number of questions that pertain to the central issue of this volume, namely the relationship between *Quellenforschung*, intended in its double sense of research on the manuscript, and research on the textual sources, and *Textkritik*, understood in terms of the application of Lachmannian methods³ for the establishment of an accepted or standard critical (i.e. edited) text. The case of Psellos is emblematic of many of the problems concerning the editing of medieval works in general, and Byzantine texts in particular, such as questions of authorial attribution, how to assess ‘originality’ in works best defined as ‘tapestries of quotations’,⁴ and how to evaluate their idiosyncratic,

¹ Trinity College Dublin (TCD), MS 373, p. 65–80, is a miscellany of unrelated quires from the fifteenth and early sixteenth century, see Smyly 1933, p. 185–95. The references in Moore 2005, p. 717, do not relate to this quire. A new description and full reproduction will become available as part of the online catalogue of Greek manuscripts at TCD. For a sample of this late humanist hand, see Plate 1.

² Duffy 1992, Op. 16, p. 47–56. See Moore 2005, p. 255, as PHI.28; he cites Duffy’s edition, the Madrid MS, BN 4681, and one item of bibliography: Volk 1990, p. 169–170, n. 5 and p. 460–1, nos 3–7, with a description of each chapter.

³ By this I mean the reconstruction of a stemma as an aid for understanding the phases of transmission of the text. For a more historico-critical view of this terminology, see Timpanaro 1963.

⁴ This felicitous phrase was chosen by Elizabeth Jeffreys as her *Ars edendi* Lecture title, now published as Jeffreys 2012.

if not outright erratic, distribution in the extant manuscript witnesses.

I will address some of these issues here by looking in detail at the edition of Psellos's Opusculum 16. My main point is that an editor cannot disregard the ordering of texts in manuscripts, but rather must always take it into consideration for evaluating the single texts as well as for the overall interpretation of an author. This point is brought home by the editorial history of this opusculum in the context of the Teubner editions of Psellos. I will argue that a new edition of this Opusculum is required according to an extended table of contents, included as an Appendix to this article.

1. *The Teubner edition of Psellos*

The approach of the Teubner series to the publication of the many unedited texts by Psellos has been 'scientific' in a rather Teutonic manner. It has brought order where chaos lay by dividing the material into topics, and then by numbering the topics as progressive texts, or 'Opusculum', thus packaging Psellos as a readable author for a twenty(-first)-century audience. This artificial neatness was what Joseph Munitiz (mildly) criticized in his overwhelmingly appreciative review.⁵ But if critical editions advocate for themselves also a critical reading, it is precisely this neatness that quickly (and perhaps disappointingly) evaporates at a closer look.

The fundamental problem that underlies (and thus eventually upsets) the editions of Psellos in this thematic form is the necessity to combine editing texts from a single manuscript with editing texts from multiple witnesses. Such mixed methodology is required by the evidence available, independently of the editors' wishes. One consequence of having to abandon traditional Lachmannian stemmatology in the face of such a complicated manuscript transmission⁶ is that manuscripts suddenly lose their status in the representation of the critically edited text. They can be literally dismembered. Thus the sequence in which they pres-

⁵ Munitiz 1991, p. 229-230.

⁶ Littlewood 1985, p. viii: 'Codicum VPBL stemma confici non potest, quod nullum opusculum in his omnibus conservatur atque etiam in opusculis novem quae tres exhibent [...] codicum cognationes sibi constare non videtur'.

ent the texts, even when it is recorded in the introduction,⁷ is considered in any case a purely arbitrary one, and, presumably on this basis, it is neglected in the edition. Only by looking in detail at the introduction to the first volume of the philosophical opuscles, for example, does one realize that most of the material printed there is in fact extracted from one codex, Oxford, Bodleian Library, Barocci 131.⁸ It takes yet more work to reconstruct the sequence in which these mostly very short texts appeared in that codex, since that order is totally upset in the edition, as follows:

19 (fols 316v–318r), 40 (fol. 410r), 4 (fol. 410r–v), 33 (fol. 411r–v), 18 (fols 415v–417v), 26 (fol. 425r–v), 27 (fol. 425v), 28 (fol. 425v) [presumably in this order], 37 (fol. 426r), 22 (fol. 433r–v), 23 (fols 433v–434v), 24 (fol. 434v), 17 (fol. 434v) [or perhaps 17, 24?], 25 (fol. 435r), 55 (fols 441v–446v).

The criteria for this rearrangement are nowhere explained to the reader. Although editorial judgement in the ordering of texts may be necessary in some cases, as for example for the fragments of the Chaldean Oracles,⁹ it is not clear why the manuscript sequence has been abandoned in this case, when most texts come from a *codex unicus* (except 19, 22, 33). The underlying assumption must be that that sequence was in itself arbitrary, and thus unworthy of being preserved. At the same time, the new thematic criteria are considered a better way of presenting these texts. This kind of attitude runs the risk of debasing the manuscript witness to such an extent, that the clues it provides for the interpretation and the contextualization of the very text the edition wishes to enhance are overlooked. This approach effectively produces a disembodied text, thereafter considered in the abstract as Psellos' *ipsissima verba*.¹⁰

⁷ The situation is very complex for codices containing a large amount of Psellan material. For example, Par. gr. 1182, is described by Westerink in his introduction to Gautier 1989, p. vi–vii, with impressive accuracy, but also with so many abbreviations for such a large number of editions that it is practically unreadable. Understanding the symbols and reference system employed there requires a good deal of patience and previous knowledge.

⁸ On this manuscript, see Wilson 1966 and 1978.

⁹ Des Places 1971, p. 11: 'l'ordre des éditeurs modernes [...] ne peut être que arbitraire'.

¹⁰ In addressing questions of attribution, Pontikos 1992 chooses to publish

2. *Textual boundaries as defined by the manuscript sequence*

Let us look again at the incarnation in the manuscript witnesses of the series of extracts published by Duffy as ‘Opusculum 16’. The edition rested on another *codex unicus*, the thirteenth-century manuscript, Madrid, Biblioteca Nacional, MSS/4681 (gr. 131, olim N-51).¹¹ It consists of a title, “Ἑτεροι ἐπλύσεις φυσικῶν ἀπορημάτων πρὸς τοὺς ἰδίους μαθητὰς καὶ ἑτέρους ἐπερωτῶντας, indicating the audience for this work being made of ‘his [own/private?] pupils and those others who are asking [similar questions]’, followed by a series of question-and-answer passages rubricated with separate titles and numbered progressively in the manuscript from α’ to ι’. The tenth chapter stops at fol. 111v and lacks a conclusion because of a material lacuna, according to Duffy, the loss of three leaves.¹²

However, looking at the original description by Iriarte, published in Madrid in 1769,¹³ reveals a slightly different story. Iriarte describes the state of the manuscript more precisely as follows:

Hic [i.e. post fol. 111] sequuntur Folia duo pura, recentius addita; sed ex antiquiori numeratione liquet tria desiderari. Quamobrem Quaestionis huius Solutio maxima sui parte deficitur; atque plures haud dubie interciderunt, ut patet ex Opusculorum numerali Nota ιθ’. ad oram folii 119. adscripta(m).¹⁴

Iriarte’s description confirms that there is a loss after fol. 111, because the blank leaves now in place are of a later paper. These two blank leaves are described in the more recent catalogue by

the remaining texts from Barocci 131 according to the manuscript sequence. See Duffy 2002, p. 152–3, answering this debate.

¹¹ The shelfmark of this manuscript in the edition is given as ‘Matritensis gr. 51’, and the manuscript has usually received the sigla ‘D’. However, one ought to be aware that the manuscript is now MS 4681 (gr. 131) and is referred to as such in Moore 2005.

¹² In Duffy’s words, ‘ubi tria folia desiderantur’ (p. xvi).

¹³ Iriarte 1769, p. 169–76. Iriarte’s remains the most detailed available account of the contents of this codex, as he alone breaks down the individual chapters providing folio references to each. Available online at google books [consulted 23 Aug. 2012]: cf. <http://manuscriptsonmicrofilm.wordpress.com/printed-catalogs-online/>.

¹⁴ Iriarte 1769, p. 174.

de Andrés as ‘fols 112–113v vacua’¹⁵; in the codicological description de Andrés further suggests that these leaves were placed in the manuscript in the second half of the fifteenth century,¹⁶ when the book belonged to Constantinus Lascaris.¹⁷ At the same time, however, he dates fols 112 and 113 as ‘saec. XVI’ and specifies the watermark as ‘bird in circle’ with letters AN, a variant of Briquet 12.221 (Amalfi 1528). It is therefore possible that the book was restored after having been acquired by the Duque de Uceda († 1624) and brought to Spain.

The question is, how many pages went missing? At first, Iriarte suggests that three folios are lacking (*liquet tria desiderari*), despite the presence of only two folios of later paper. Duffy’s ‘*tria folia desiderantur*’ is clearly modelled on Iriarte’s statement.¹⁸ The claim appears to be based on the presence of an ‘older numbering’ (*ex antiquiori numeratione*) that would indicate a gap of three leaves, though this foliation is not visible in the reproductions available to me. The current foliation includes the restored leaves as ‘112’ and ‘113’, thus numbering the folios of the original manuscript either sides of the restoration as ‘111’ and ‘114’.¹⁹ De Andrés on his part is careful to omit quantifying the lacuna.

More importantly, a little further in the passage quoted – and this is something that Duffy did not retain –, Iriarte suggests that we are probably dealing here with a much bigger lacuna. He notes that because of the lacuna the greatest part of question 10 remained unanswered (*Quamobrem Quaestionis huius Solutio maxima sui parte deficitur*) and suggests that many more pages have surely gone missing (*atque plures haud dubie interciderunt*), given that the next question to appear numbered in this manu-

¹⁵ De Andrés 1987, p. 230–2, at p. 231; also available online for free download from the Biblioteca Nacional website.

¹⁶ At p. 232: ‘los fols 112 y 113, incluidos en el ms. en la segunda mitad del siglo XV’.

¹⁷ Also De Andrés 1987, p. 232.

¹⁸ Iriarte 1769, p. 174. Duffy’s dependence on the earlier catalogue is confirmed by the reference given to Iriarte in his edition, p. xvi (in brackets), although de Andrés’s catalogue had been published by then. Nevertheless, the old reference is probably due to the long gestation time for the edition, in turn reliant on older citations of this manuscript.

¹⁹ This foliation also ignores another lacuna of two leaves after fol. 123. This lacuna is not mentioned in any of the catalogues and was only identified by the editor of the relevant text, Poem 1: Westerink 1992, p. ix.

script bears the number '19' (ut patet ex *Opusculorum numerali Nota ιθ'*. ad oram folii 119. *adscripta(m)*).! This numbered text in fact appears only at fol. 119 because it is preceded by a long text whose title and number are missing by the tail-effect of the same lacuna.

Now Duffy, examining this text with *mutilus incipit* that came just after the lacuna, found it edited in Gautier's 1989 *Theologica*, according to the Teubnerian outlook that filed it under religious texts. Moreover, Duffy relied on Gautier's previous work on this manuscript, where the unedited fols 103v-111v had been already apportioned as one text consisting of ten chapters with a title, *ἔτεροι ἐπλύσεις*, and a *mutilus* end followed by two blank leaves ('duo fols sine scriptura').²⁰ In fact, the dismemberment of the *Matritensis* into different studies and editions had not only begun, but was already well advanced by the time Duffy came along, so that the boundaries of his 'Opusculum 16' were already set by previous editorial practice.

All these editors appear to have neglected, in the course of their work, Iriarte's important conclusion, that effectively should have sealed the notion that all these short texts belonged together to one author and one work in virtue of the precious scribal explicit (*statim eadem manu subscriptum legas*) found at fol. 128v:

Hoc est 'Finis Sermonum Constantini Pselli'. Unde palam est, omnia opera hactenus enarrata, Constantino Psello, salt-em a fol. 18. ubi primum nomen eius apparet, assignari.²¹

A footnote in the densely packed thesis by the German scholar Robert Volk, who had studied the extracts in the *Matritensis* in detail, also supported the continuity between these texts.²² Nevertheless, mistrust in the information conveyed by this manuscript appears to have undermined attention to the rubrics it offered. Against its trustworthiness militated the attribution in the manuscript lemma of the work on fols 18r-68v to Psellos rather than to what scholarship discovered as its true author, Symeon

²⁰ Westerink in Gautier 1989, p. xvi.

²¹ Iriarte, p. 175.

²² Volk 1990, p. 169-170, n. 5: 'möglicherweise setzten sich diese Texte also noch fort'. Volk however still relies on the account of a loss of three leaves, taking his description from Gautier 1981. Volk's study was not known to the editor.

Seth.²³ Here again Gautier's short description clinches the point: '[...] habet Symeonis Seth Syntagma de alimentorum facultatibus Constatino Psello attributum (fols 18r-64v)'.²⁴ Once the manuscript attribution was discarded on this account, the authority of this witness as a whole just broke down beyond possibility of appeal. One need no more heed to its manner of presentation of the contents.

If the editor's judgement towers above the manuscript attributions of authorship, more minor details in the layout of the manuscript become even easier to overlook.²⁵ In the case of 'Opusculum 16', the rubrication of chapter numbers offered clues that the editors should not have bypassed. For it must have been the existence of this numbered sequence that compelled the editor to group the ten chapters together as a unit, rather than further dividing them according to their unrelated subject-matter following to the overriding thematic criterion for his edition. However, the same criterion was not applied to the rest of that work by observing that the numbered sequence continued in the *Matritensis* after the lacuna. While Iriarte's description kept these numbers, the catalogue by de Andrés omits them.²⁶ Although the rubrication of the chapters in the Dublin manuscript is deficient, not only is the sequence of texts that overlap in the *Matritensis* in the same order, but also its only numbered extract, ζ', corresponds to the same chapter and number in the *Matritensis*. This allows us to complete the missing portion of chapter 10, and to attribute to the following five extracts the numbers <11-15>. Thus, while I had at first concluded that the Dublin witness provided a desinit for 'Opusculum 16' by completing ch. 10, I then revised this opinion to include the following extracts as additional chapters

²³ There is much work to be done as yet on Symeon Seth. Helmreich 1913 does not mention any manuscript in Madrid. On the question of attribution of this type of 'medical' treatises, see Sonderkamp 1984. I thank Inmaculada Perez Martin for this reference.

²⁴ Westerink in Gautier 1989, p. xii.

²⁵ Boyle 2001 advocates perfect thoroughness in recording minute details in manuscripts descriptions.

²⁶ Indeed, I had first assumed that Duffy had relied on this catalogue and was not aware of the presence of numbers in the manuscript. I discovered these numbers directly on the manuscript print-outs and only at a second moment in Iriarte. The difference between the catalogues raises questions about cataloguing methods and the degree of detail and specificity that they should provide.

of Op. 16, bringing the total to 15 chapters, the last presenting a desinit mutilus once more.²⁷ This result jolted me into thinking – and later I found confirmation of this in Iriarte and Volk – that the texts in the Matritensis after the lacuna, now partly filled by the quire found in the Dublin manuscript, were in fact the continuation of this Opusculum, beginning with the eighteenth extract with a missing incipit (and therefore also missing number), and continuing with the extract numbered 19 at fol. 119r. Thus only cc. 16 and 17 are entirely lost, while cc. 15 and 18 are incomplete at end and beginning respectively.

Besides these formal considerations, a small but significant detail in the content of the extracts clinches the link between the texts in the Dublinensis and the continuation in the Matritensis. This detail consists in the mention of a certain John (Ἰαννῆς) in the fourteenth unpublished chapter of this sequence, corresponding to the same name found on fol. 116v, l. 14, of the Matritensis. This correspondence is obscured by Gautier's choice of printing the form Ὠάνης in his edition according to the other manuscript witness, P.²⁸ Besides the common phenomenon of iotacism in the desinence, the form of the name attested in the Septuagint, Ἰωάννης,²⁹ shows that the transformation took place through the omission of the initial iota, an accident of manuscript transmission often occurring when rubrication was omitted and a manuscript remained unfinished. From the TLG search, it also emerges that a Ὠάνης also appears at Op. 3, ll. 91–92.³⁰ Here Duffy gives the following information in the apparatus: 'Ὠάνης O'Meara (cf. Psell. Theol. I 23, 61; 53, 155): ἰωάννης P'. This information appears to clash with that given in the Theologica by Gautier (though Duffy names O'Meara, who was responsible for the second volume of the Theologica), where the version attributed to P is that of the printed text, namely Ὠάνης. All these references point to an Egyptian context.³¹

²⁷ Crostini (2014).

²⁸ At p. 89, l. 61; cf. apparatus ad loc. P is Par. gr. 1182, fols 277r–278r, which is the only other witness to this text without the passage on the Chaldean Oracles.

²⁹ According to TLG, found at Esd. 8: 38 and in the apochryphal Protoevangelium Jacobi, 43.9, ed. de Strycker 1961.

³⁰ Duffy 1992, p. 7.

³¹ The question as a whole deserves further study.

We are now in a position to quantify the lacuna in the Madrid codex, which is neither of two, nor of three folios, but is of at least one whole quire, a quaternion, probably in addition to the two blank leaves. This hypothesis fits neatly with the collation given by de Andrés, where a quaternion ends at fol. 111 and a ternion begins at fol. 114. It is also possible that the two blank pages, 112 and 113, were inserted in order to balance the corresponding halves, fols 118 and 119, in the structure of the next quire. If true, this quire should be properly described as originally a quaternion that has lost its first two leaves, and not as a ternion, as in De Andrés's description. I could not verify this hypothesis by autopsy since I could not gain access to the codex in Madrid apparently due to its poor state of conservation. The fact that there is a quire signature on fol. 114r (in both Roman and Greek numbers: XV and ιε') may stand against this reconstruction. However, these signatures are probably not scribal.

By comparison with the complete quire extant in Dublin, the overlapping material on fols 108v-111r fills just two folios of the *Dublinensis* (paginated 65-68), while the additional material in TCD 373, written on six folios (paginated 69-80), could easily have taken one whole quire in the Madrid copy. We cannot of course at all predict the extent of the missing chapters 16 and 17, nor that of the mutilus 15. We can however precisely reckon that the missing part of op. 23, printed by Gautier from another manuscript, extended for one folio and one half according to the proportion of text between manuscript and the printed page. Thus either, as is perhaps more likely, the missing parts were not very extensive, or they must have been so long as to fill yet another additional quire (at least a ternion) in the original structure of the codex.³²

From these considerations we may conclude that the evidence of the codex should not be neglected, but rather always examined very carefully and taken into account for the presentation of the edited text. Finding a portion of missing text has helped to re-evaluate the boundaries of a published text, which the combina-

³² Though predominantly made out of quaternions, according to De Andrés the manuscript also comprises three ternions and a binion, as well as other irregular quires.

tion of disparately sourced extracts, apparently unconnected to each other for subject-matter, contributed in making flexible, and also, to a degree, obscure. At the same time, reconstructing the text with the help of a second witness has had an impact on how to understand the physical structure of the manuscript that was once thought to be its unique carrier. An edition of this text in the future should take into account the sequence of all extracts together and bring the fragmented texts scattered in different editions into being as one continuous piece comprising 22 chapters,³³ as originally intended in the presentation of the *Matritensis*.

3. *A re-evaluation of the Matritensis*

One problem in scattering the texts contained in one codex across several different publications is that it is easy to lose sight of the information concerning the context for the codex that each of its texts can provide. In this concluding section, therefore, I propose to gather all the information about the *Matritensis* from the different editions in which it appears, and to re-evaluate its importance from the facts so gathered.

I will leave aside as deserving an entirely new research the relation between Psellos and Seth, which occupy, as we have said, fols 18r-68v, just noting that a new codicological unit starts at fol. 18 (quire 3) and that the previous text, also by an eleventh-century author, John Mauropous, is mutilus at the beginning, but appears written in the same hand. The end of these texts on fol. 68v, on the contrary, falls within a codicological unit (quire 5) and therefore guarantees a continuous content in view of the texts that most concern us here.

Both Psellos' 'Profession of Faith', contained at fols 69r-71r, and the text of *De omnifaria doctrina*, at fols 71r-103v, belong to a 'prima recensio' in the opinion of the – admittedly not unrelated – editors, Duffy and Westerink.³⁴ This judgement is clearly valuable in establishing this codex as carrying a good tradition of works by Psellos. The transmission history of the text of the

³³ See Appendix.

³⁴ Duffy/Westerink, *Theologica* II, Op. 35, p. xvi; Westerink OD; see also Volk 1990, p. 169.

‘*Professio*’ further points in two related directions.³⁵ It links the *Matritensis* with MS Athos Iviron 190,³⁶ where this text is copied at fols 10v–11v: the editors define it as a ‘twin manuscript’. Iviron 190 is also mentioned as carrying a text similar to the *Matritensis* by the editor of Poem 4.³⁷ The second direction takes us to manuscript Vat. gr. 1276,³⁸ where the *Professio* appears at fols 144r–146r. Both of these manuscripts are located in Southern Italy, specifically in the Otranto region. The additional key information that Iviron 190 was copied by Kalos Hagiopetrites in 1297/8 provides a *terminus ante quem* for the presence of the *Matritensis* in Southern Italy.³⁹ Some physical traces of this transit were also left in the form of rough marginal notes scribbled at fols 129r and 139r, displaying the double-lined uncials typical of the Otrantine style of script. This dating raises the question of when the *Matritensis* was copied, and there may be cause for suggesting a slightly earlier date for it, around the end of the twelfth century, on paleographical grounds.⁴⁰

Duffy also identifies as apograph of the *Professio* from the *Matritensis* the codex Florence, Biblioteca Laurenziana, Laur. Plut. 59.28, fols 1r–7r, which is the codex used by Garzya for his edition princeps of this text.⁴¹ Mention of this codex as a copy of

³⁵ A full list of manuscripts is given in Moore 2005, THE.159.

³⁶ Lambros 1905, II, 53–54. This catalogue is not available in Sweden and I thank IPM for sending me a pdf.

³⁷ Westerink 1992, Poem 4, de conciliis, p. 72–77, indicates that the longer version, consisting of 89 rather than 70 lines, is only contained in the *Matritensis* (at fol. 127r–v, recte 127r–128v) and in Athos Iviron 190 (d^d), commenting that both can be attributable to Psellos (non est cur non ambae ad Psellum referendae sint).

³⁸ Acconcia Longo & Jacob 1980–2, no. 47, p. 220.

³⁹ I thank Dr Reinhart Ceulemanns for sending me additional information on this manuscript. See Arnesano 2008, p. 73–4, with bibliography. Further inquiry into the contents of the Iviron manuscript may indeed be fruitful, esp. fols 17r–21, 118r–122v, 128v–129v. Moore 2005 has the following Psellan content for this manuscript: THE.159 (*Professio*); PHI.167 (OD: fols 22–31; Volk 1990, p. 170–1); PHI.168 [mistakenly 68 in index] (‘Synopsis ton physikon’: fols 31v–43r); POE. 4, 10, 11, 15.

⁴⁰ This kind of judgement is impossible to make on the basis of the photocopies available. I offer as a point of comparison the example of the dated manuscript cf. Vat. Palat. gr. 13, fol. 64v, a. 1167: Gregorios Kamarenos, in Harlfinger *et al.* 1997, no. 105, Pl. 57.

⁴¹ Note that Garzya 1966 consistently calls this manuscript Laur. Plut. 59.8, which is a manuscript of Demosthenes.

the *Matritensis* also occurs in the edition of the other two poems there contained, numbers 3 and 4.⁴² According to Westerink, 'Laur. 59.28 qui fols 7r-22v Poem. 3-4 habet, totus e D descriptus est'. Shifting the attention to this pocket-sized in quarto codex now in Florence, we notice that the sequence of its texts does not follow that of the *Matritensis*; that the title of Poem 3 is different; and that the last text, a canon to the Three Hierarchs, is the canon by John Mauropous also found at the beginning of the *Matritensis*, now with a mutilus incipit.⁴³ One might therefore wish to probe the editors' conclusions further, at the same time considering that a direct relation between the two manuscripts might cast an interesting light upon the history of each.

Another consistent element that appears to emerge in this comparative study of the *Matritensis* across its edited texts is that the versions it carries are always the 'longiores'. A case in point is that of the text published by Gautier as Op. 23, which has an additional paragraph with respect to that found in the other manuscript, namely Par. gr. 1182, fols 277r-278r (P). Gautier's solution is to publish this addition separately as text 23A, thus editing the text of the *Matritensis* by itself.⁴⁴ It would have helped the reader if the editor had at least somehow signalled in the 'short' version where the longer insertion fitted, given that the phenomenon is now not immediately evident, and one can only find the exact place of the insertion by counting lines. The matter is made worse by the addition occurring in the middle of a text rather than at either extreme. It is also somewhat misleading to publish this extract as coming from just one manuscript, given that it also had a very wide independent tradition as a separate piece on the Chaldean Oracles, clearly a hot topic that recurs time and again in Psellos' writings.⁴⁵ The absurdity of this situation is com-

⁴² Moore 2005, POE.3 and POE.4.

⁴³ So Westerink, *Poemata*, p. xxxv: 'in Laur. 59.28, qui liber totus, quantum video, e Matrit. gr. 51 [4681] etiamtum integro excerptus est, fols 23r-36r Mauropodis canon in III hierarchas (PG 29, CCCLV-CCCLXV) comparet post Pselli poemata 3 et 4, sed sine auctoris nomine.'

⁴⁴ Gautier 1989, Op. 23, p. 91-93. Gautier's opinion is expressed in his introduction to Op. 23A: 'quia multo longior est quam res exigit, in *Matritensis* interpolatum esse potius credas (nempe a Psello?) quam contractum in Parisino'.

⁴⁵ Gautier does refer to another edition in this context: Des Places 1971, p. 189-91. For Des Places, the *Matritensis*, dated to the fourteenth century, has sigla M and is an apograph of PVv (P = Par. gr. 1182, end of the 12th c.; V = Vat. gr.

pounded and epitomized by Moore's classification of these texts: 23 is THE.11 and 23A is PHI.112!

Another unhelpful displacement occurs with the edition of the next extract in our by now extended opusculum, that numbering 19 and occurring at fols 119r, l. 15–120r, l. 14. The lot of this piece has been to have been edited twice, once as part of Gautier's earlier article on this codex – which means he considered it genuinely by Psellos –, and the second time by O'Meara as part of the second volume of the *Theologica*.⁴⁶ It is thus in no way neighbouring the previous extract, and appears in Moore as THE.31. It is therefore with a degree of surprise that one realizes that Psellos' gloss is here continuing that concerning the same sermon by Gregory Nazianzen: his Oration 29 is receiving a commentary on vv. 2 and 5 respectively in the pieces placed consecutively in the Matritensis, but now present in five unrelated editions. It would make a great deal of sense to be able to read these together.

It is true of course that the essence of the problem is that Psellos's texts do also follow separate lines of transmission, and that therefore it is a genuine dilemma for the editor to decide which incarnation to represent in the published text. A look at the manuscript tradition of his poems best exemplifies such complexity. Here the metrical element has functioned in modern editions as a clear discriminating factor in the association of these texts, a factor that has notably taken precedence over considerations of content.⁴⁷ However, in the manuscripts the poems were not all presented together as a poetic corpus; rather, each composition was transmitted separately, as the variation in Moore's lists of manuscripts for each poem readily displays. Even identical

1026, 13th c.; v = Vat. gr. 573, 15th c.). The text is also contained in many other manuscripts, which he lists at p. 187. Moore lists 25 manuscripts. Since then, this extract has also been printed in O'Meara 1989, 2: Op. 39, p. 146, l. 9–148, l. 16, from manuscripts: Vat. gr. 1026, 14th c., Par. gr. 1182, end of the 12th c., Vat. gr. 573, 14th–15th c., Vat. gr. 951, 14th c., Matrit. 4681 (here with sigla m¹⁰); see introd., p. xx–xxiv, with a stemma codicum proposed for both Op. 38 and 39 together, where the Matritensis however is not included. See p. xxiii: 'in apparatus autem citavi quod in codice m¹⁰ fols 114r–116r servatur, cum hic eodem fonte usus sit Psellus', with reference to L.G. Westerink 1942 and Bidez 1928, p. 163.

⁴⁶ Gautier, 'Collections', p. 66–7; Duffy/Westerink, *Theologica* II, Op. 36, p. 136–8, ll. 1–36.

⁴⁷ A division by genre is also operative in grouping other Psellan texts for editing. Cf. Fisher 1994.

combinations of poems appear uncommon, although thematic links exist between them. For this reason, it may be significant to point out where they do coincide. The Madrid sequence of poems 1, 3, 4 and (at fol. 164v, outside this 'text') 13⁴⁸ is not paralleled anywhere, and, perhaps more surprisingly, neither is the shorter sequence 1, 3 and 4 to be found elsewhere in this order. A group of three manuscripts is offered as cohering around the sequence 3-4: Par. gr. 902, fols 87r-88v, Marc. gr. 499, fols 162r-165r, Mount Athos Vatop. 416, fols 233v-234v, all dated to the fourteenth century.⁴⁹

Poem 1 is transmitted in 29 manuscripts, among them a number of thirteenth-century codices, such as Vat. gr. 1409, fols 44r-45v, from which Westerink establishes the text, Florence, Biblioteca Laurenziana, Laur. Conv. Soppr. 627, fols 93v-95r, Vat. Palat. gr. 383, fols 87r-91v, Boston, Houghton gr. 3, fols 1r-7v. In this list, it is peculiar to find an eleventh-century codex, Par. Coislin 12, fols 4v-8r, described as similar ('proxime accedunt') to the Laur. Conv. Soppr. 627 together with other two witnesses (Naples, Biblioteca Nazionale, Neapol. II.C.34 and Milan, Biblioteca Ambrosiana, Ambros. M 15 sup., inc. mut.). On these grounds, this manuscript, despite its strikingly early date (if correct), is not considered in the apparatus nor given a siglum. On the other hand, the importance of Houghton gr. 3, which Westerink considers to be a thirteenth-century codex, is now increased by its correct dating to the late eleventh, according to the year (1105) specified in the canon tables contained in the manuscript.⁵⁰ The inclusion of this poem in the Matritensis sequence, together with its clustering of late eleventh-century witnesses from Constantinople, increases the likelihood of its attribution to Psellos, a matter still open for debate.

Poem 3 is distinguished by the editor into a longer and shorter recension; though these differ by only 3 lines (vv. 22, 24 and 25), Westerink maintains that 'longiorem priorem et genuinam esse in argumento poematis demonstrandum erit', i.e. the longer is the more genuine one as a reading of the text confirms. Be-

⁴⁸ Westerink, *Poemata*, p. IX.

⁴⁹ Westerink, *Poemata*, p. XIII.

⁵⁰ Nees 1975.

sides the *Matritensis*, the only other codex (out of 35 signalled by Moore) to contain the longer recension is Vienna, National Library, Vindob. Med. gr. 38, fols 27r–28v, also a fourteenth-century manuscript where however the poem is dedicated to Monomachos, and placed in a slightly different sequence.⁵¹ This alternation of dedications between Constantine Monomachos and the child of Constantine Doukas, Michael, whom Psellos tutored, is a clear outward sign of the process of recycling and adaptation that this material was put through.⁵² Westerink also admits to not having had access to MS Athos Pantocrator 234, which has Psellos' poem at fol. 254r. This illuminated codex of the Gospels and other sacred texts is well known because of the portrait of Psellos teaching Michael Doukas.⁵³ Westerink dated it to the thirteenth century, but art-historical research has placed it in the second half of the twelfth.

The following long section of the *Matritensis*, fols 129r–163v, appears contemporary to the preceding one, despite its codicological independence and the difficulty of clearly establishing the continuity of the hand on the basis of microfilm print-outs. It contains astronomical and calendrical treatises. De Andrés refers to Zuretti's detailed description dating back to the 1930s,⁵⁴ but it remains substantially unstudied. De Andrés also suggests that fol. 163 is now displaced; it belongs after fol. 154.

The last leaf of the codex, fol. 164, deserves more attention for our purposes. The two texts there contained return to Psellos, so that the possibility arises that this folio too was displaced, and perhaps once belonged to the lacuna that now stands in the mid-

⁵¹ Hunger & Kresten 1969, p. 90: Poem 3 (fols 27r–28v); 5 (28v–30r); 4 (30r–31v).

⁵² See Westerink, *Poemata*, VI. Cp. the recycling of the image of the frontispiece images in Par. Coslin 79, for which it has been argued that they were first made for Constantine Doukas (r. 1059–1067), but later adapted for Nikephoros Botaneiates (r. 1078–81). The integral reproduction of this codex now available online from Gallica.

⁵³ Westerink, *Poemata*, p. xiv and n. 7, with reference to Spatharakis 1976, p. 230–2 and fig. 174. In turn Spatharakis says that Westerink told him that this text is published in PG 122, 811–817 (see p. 232 n. 48). This image is now easily available on the web, and can be seen in the context of the other illustrations in Pelekanidis 1979, p. 154–7, descr. p. 283–7 (as *Tetraevangelion*, 13–14 c.).

⁵⁴ Zuretti 1934, p. 74–84, at p. 81–4, with texts edited as an appendix at p. 168–183.

dle of the codex. Could it be that these are precisely the two missing texts from the new, extended Opusculum 16? This hypothesis is hard to verify. The hand in the reproduction of fol. 164r, itself very ruined, displays a thinner and more angular ductus, although the verso has once again a thicker ductus not unlike the preceding hand(s?), but more stilted. Once more, these two texts have travelled their separate ways into modern editions. The first, published by Gautier as Op. 88, represents an extract of this work (ll. 74–90) about Gregory of Nazianzus' Or. 28.⁵⁵ There is a long title premissed to this extract that attributes the work to 'the most famous lord Constantine Psellos', but no visible numbers, details that militate against fitting this folio into the lacuna where the extracts follow each other without a full-blown title but with a number, as we have seen. Nevertheless, the dedication to his students (πρὸς τοὺς μαθητὰς) and the subject matter commenting on another homily by Gregory of Nazianzus, like chapters 18 and 19, would place it fittingly as part of the opusculum. At the same time, the topic of time and eternity is also found in the first lines of the philosophical Op. 41, ll. 4–7, once more exhibiting the chameleon-like nature of these texts, that have a tendency to create among them a web of allusions and cross-references, much still remaining to be studied.⁵⁶

The last text to fill the remaining part of fol. 164v also echoes the contents of the preceding opusculum by presenting another poem, edited by Westerink as no. 13.⁵⁷ Its subject matter, dealing with astronomy and the soul, is close to the topics extracted from the OD in the reconstructed Opusculum. The Matritensis preserves the first 18 lines out of a total of 31 (des. mut.: ἐκείθεν ἡμαύρωσεν αὐτῆς τὴν φύσιν). Westerink's notes on poem 13 create a direct link between the Matritensis and another copy of this poem, namely the Leid.Voss. gr. Q 54, 15th–16th c., fol. 461r–v, described

⁵⁵ Gautier, *Theologica*, Op. 88 (exc.), ll. 74–90, p. 346–9, at p. 348–9; *Ad discipulos, in illud 'aeternitatis enim neque tempus est neque temporis pars quaedam'* (Greg. Or. 38, 8, PG 36, 320A10–11); also ed. Benakis 1980–81, p. 403–6. Gautier's edition is based on the only other witness, P = 10v–11v.

⁵⁶ Moore, PHI.86, ed. O'Meara 1989, op. 15, p. 75–6, and Pontikos 1992, p. 109–10, no. 36, cf. also p. LXXIV; both from MS Barocci 131, fol. 441r–v.

⁵⁷ Gautier, *Theologica*, p. XII, still gives the texts as pr. in Boissonade 1838, repr. 1964, p. 56–7 = PG 122, 1075–6; Westerink 1992, Poem 13, de motibus coelis cum anima comparatis, p. 235–6.

as ‘e D etiamtum integro descriptus’.⁵⁸ It is possible that the lacuna still remaining at chapters 16 and 17 may be filled by a more careful study of one of these related manuscripts.

4. *Conclusion*

There is no denying that the primary task of the editor is to make available to the reader in modern and hopefully comprehensible form a text which has been transmitted from the past – more or less close to the time of its author – in manuscript form. This service is performed to an extent by applying modern criteria to blot out the accidents of manuscript transmission and package more neatly what was, or had become, confused at the time of handwritten copies. On this premise, there is no denying that the Teubner editions of Psellos perform such a service, while the electronic searchable texts that become available as a result of new editions enable the textual interrelationships to come to light much more easily than before.

However, the reader needs to remain aware that the neatness of this packaging service rests on modern criteria of interpretation and categorization that may or may not reflect either those of the author or of his intended audience. It may not have been amiss to declare such arbitrariness in Psellos’ editions more explicitly, thus providing better guidance for the modern readers. In Psellos’ case, moreover, a look at the manuscript tradition (something not easily retrieved in the current state of editions, and not retrievable at all from electronic texts) might still be able – at least partially – to reveal something of the initial intention for their use.

In this article, I sought to prove that the *Matritensis* provided one text of Psellos, composed of different passages, for a specific audience, and that this combination has a good chance of reflecting some early edition of this work, not far from Psellos’s own purpose for his writings. I have also argued that it is important not to lose sight of such textual groupings, not least because the

⁵⁸ Westerink 1992, p. xxii. I have currently no access to the Catalogue description, in de Meyier 1955. The other manuscripts carrying this text are: Oxon. Magd. gr. 10, 14th c. ex., fol. 155r–v, Par. gr. 3058, 16th c., manu Arsenii Apostoli fols 35v–36r; Laur. Plut. 71.2, 14th c., fol. 320, vv. 1–5.

editorial dismemberment of Psellos' texts risks increasing the partitioning of his already schizophrenic personality. It is more difficult to paint a Psellos pious author and religious teacher as opposed to a Psellos with philosophical ambitions and an early modern taste for independent and rebellious thinking when both types of texts are tied together in one work. When kept together as probably intended by the author, these extracts show that Psellos' personalities were blended much closer together than modern scholarly criticism would like us to believe. Restored into a coherent whole, the extracts of the extended Op. 16 mark a path not unlike that of the OD, where topics of natural curiosity are combined with theological and philosophical subject matter. It is as a whole that the reader or listener of these passages would have perceived such topics in their unfolding.

The Matritensis, just as surely other miscellaneous collections that were intended as such from the start, packaged its material for a specific audience on its own terms. As the dedication to the Byzantine ruler and to circles outside Psellos' immediate pupils would lead us to believe, the aim of this small collection was not purely didactic, but included in it an element of homage and one of entertainment. This for us peculiar world is essentially that of medico-physical curiosities that appear gathered in the *Problemata* of Aristotelian tradition, attributed to pseudo-Alexander of Aphrodisias,⁵⁹ who is one of the principal sources behind these extracts.⁶⁰ Psellos collected this inheritance both as a teacher, and at the same time as a court entertainer, as one might perhaps suppose by the dedication in the title of Op. 16. Perhaps we might have expected these manuscripts with a courtly audience in mind to display their destination more clearly with some degree of ornamentation and decoration, like the Psellan material included

⁵⁹ See Cadden 2006 and Sharples 2006.

⁶⁰ These extracts rework the source much more extensively than the equivalent passages found in Op. 55: Duffy 1992, p. 241–83. A new edn of Alexander of Aphrodisias, *Problematum libri I et II*, edited by Ideler in 1841, is in preparation by Carl-Gustaf Lundqvist, University of Gothenburg, Sweden. Thanks are due to Dr Lundqvist for his generosity in making the unpublished texts available to me and guiding me to the identification of the specific passages in this source, and also to Katerina Ierodiakonou, for being interested in Psellos. The new edition of the extended opusculum 16 that I am planning will have to include a more detailed study of the sources for these extracts.

in MS Florence, Biblioteca Laurenziana, Laur. Plut. 28.11, copied for Lorenzo de' Medici and illuminated by the famous Attavante.⁶¹ Despite the royal dedications, plainer manuscripts appear to be the rule, for texts whose value was nonetheless highly regarded to the end of Byzantium and beyond.⁶²

Catalogues

- G. de Andrés (1987), *Catálogo de los codices griegos de la Biblioteca Nacional*, Madrid: Ministerio de Cultura, Dirección General del Libro y Bibliotecas.
- J. Bidez (1928), *Catalogue des manuscrits alchimiques grecs*, 8 vols, Brussels.
- J. Iriarte (1769), *Regiae bibliothecae Matritensis codices graeci manuscripti*, Madrid.
- H. Hunger & O. Kresten (1969), *Katalog der griechischen Handschriften der Österreichischen Nationalbibliothek 2: Codices iuridici, codices medici*, Vienna.
- Sp. P. Lambros (or Lampros) (1895–1905), *Catalogue of the Greek Manuscripts on Mount Athos*, Cambridge, 2 vols.
- C.O. Zuretti (1934), *Catalogus codicum astrologorum graecorum*, vol. 11, II: *Codices hispanienses*, Brussels.

Sources

- Alexander of Aphrodisias, *Problematum libri I et II*, ed. I.L. Ideler, Berlin, 1841 (Physici et medici graeci minores I), pp. 3–80.
- Alexander of Aphrodisias, *Problematum libri I et II*, ed. in preparation by Carl-Gustaf Lundqvist, University of Gothenburg, Sweden (unpublished text).
- Ανωνύμου Φιλοσοφικά Σύμμεκτα / *Anonymi Miscellanea Philosophica. A Miscellany in the Tradition of Michael Psellos (Codex Baroccianus graecus 131)*, ed. I.N. Pontikos, Athens: The Academy of Athens, 1992 (Corpus philosophorum medii aevi. Philosophi byzantini 6).

⁶¹ Plut. 28.11 contains Bryennios, De Musica; Proclus; 3 treatises by Psellos as f² in Duffy's edition: Op. 32, 33, 34, p. 109–119. The manuscript is available online from the Teca Digitale Laurenziana.

⁶² In order to study further the interrelation between codices, it would be invaluable to work with a manuscript database that included digitized images of all known manuscripts of Psellos.

- L.G. Benakis (1980–81), ‘Χρόνος καὶ αἰών ... στὸ ἀνέκδοτο ἔργο τοῦ Μιχαήλ Ψελλοῦ’, in *Φιλοσοφία* 10–11, p. 398–421.
- A. Delatte (1939), *Anecdota Atheniensia et alia*, Liège & Paris.
- E. Des Places (1971), *Oracles chaldaïques*, Paris.
- A. Garzya (1966), ‘On Michael Psellus’ Admission of Faith’, *EEBS*, 35, p. 41–6; repr. in idem 1974, *Storia e interpretazione di testi bizantini. Saggi e ricerche*, London, Variorum Reprints, VI.
- P. Gautier (1981), ‘Collections inconnues ou peu connues de textes pselliens’, in *Miscellanea Agostino Pertusi*, 3 vols (= *Rivista di studi bizantini e slavi*) I, 39–69.
- Michael Psellos, *De omnifaria doctrina*, ed. L.G. Westerink, Nijmegen, 1948.
- , *De operatione daemonum inedita opuscula*, ed. J.F. Boissonade, Nuremberg, 1838, repr. Amsterdam 1964.
- , *Orationes hagiographicae*, ed. E. Fisher, Stuttgart & Leipzig, 1994.
- , *Oratoria Minora*, ed. A.R. Littlewood, Leipzig: Teubner, 1985.
- , *Poemata*, ed. L.G. Westerink, Stuttgart & Leipzig: Teubner, 1992.
- , *Philosophica minora*, 2 vols, I: *Opuscula logica, physica, allegorica, alia*, ed. J.M. Duffy, Stuttgart & Leipzig: Teubner, 1992; II: *Opuscula psychologica, theologica, daemonologica*, ed. D.J. O’Meara, Stuttgart & Leipzig: Teubner, 1989.
- , *Scripta minora magnam partem adhuc inedita*, ed. E. Kurtz & F. Drexler, Milan, 1936.
- , *Theologica*, vol. I, ed. P. Gautier & L.G. Westerink†, Leipzig: Teubner, 1989; vol. II, ed. J. Duffy, Leipzig: Teubner, 2002.
- Michele Psello, *Varia dottrina: De omnifaria doctrina*, Ital. transl. A. Musini, Firenze: Nardini, 1990 (Biblioteca medievale 5).

Bibliography

- A. Acconcia Longo & A. Jacob (1980–82), ‘Une anthologie salentine du XIV^e siècle: le Vaticanus gr. 1276’, in *Rivista di Studi bizantini e neoellenici*, 17–19, p. 149–228.
- D. Arnesano (2008), *La minuscola ‘barocca’*. *Scritture e libri in Terra d’Otranto nei secoli XIII e XIV*, Galatina.
- L.E. Boyle (2001), *Integral Palaeography*, Turnhout.
- J. Cadden (2006), ‘Preliminary Observations on the Place of the *Problemata* in Medieval Learning’, in P. De Leemans & M. Goyens (eds), *Aristotle’s Problemata in Different Times & Tongues*, Leuven (Mediaevalia Lovaniensia Series I, Studia 39), p. 1–20.

- B. Crostini (2014), 'Paul Moore and More Psellos: Still "Wanted" in Byzantium?', in I. Nilsson & P. Stephenson (eds), *Byzantium Wanted: The Desire and Rejection of an Empire*, Uppsala (Studia Byzantina Upsaliensia 15), p. 176-185.
- É. de Strycker (1961), *La forme la plus ancienne du protévangile de Jacques*, Brussels: Société des Bollandistes, p. 64-190.
- J. Duffy (2002), 'Hellenic Philosophy in Byzantium and the Lonely Mission of Michael Psellos', in K. Ierodiakonou (ed.), *Byzantine Philosophy and Its Ancient Sources*, Oxford, p. 139-156.
- D. Harlfinger et al. (1997), *Repertorium der griechischen Kopisten: 3. Rom mit dem Vatican*, 3 vols, Vienna: Österreichischen Akademie der Wissenschaften.
- G. Helmreich (1913, repr. Univ. of Michigan, 2012), *Handschriftliche studien zu Symeon Seth*, Ansbach.
- E. Jeffreys (2012), 'Tapestries of Quotation: The Challenges of Editing Byzantine Texts', in A. Bucossi & E. Kihlman (eds), *Ars edendi Lecture Series*, vol. II, Stockholm (Acta Universitatis Stockholmiensis 58), p. 35-61.
- K.A. de Meyier (1955), *Codices Vossiani Graeci et miscellanei*, Leiden: Bibliotheca Universitatis.
- P. Moore (2005), *Iter Psellianum: a Detailed Listing of Manuscript Sources for All Works Attributed to Michael Psellos, Including a Comprehensive Bibliography*, Toronto: Pontifical Institute of Mediaeval Studies.
- J. Munitiz (1991), review of *Philosophica minora*, 2 vols, I: *Opuscula logica, physica, allegorica, alia*, ed. J.M. Duffy, Stuttgart and Leipzig: Teubner, 1992; II: *Opuscula psychologica, theologica, daemonologica*, ed. D.J. O'Meara, Stuttgart and Leipzig: Teubner, 1989, *The Classical Review*, 41, p. 229-230.
- L. Nees (1975), 'An Illuminated Byzantine Psalter at Harvard University', in *Dumbarton Oaks Papers*, 29, p. 207-224.
- D.J. O'Meara (1989), *Pythagoras Revived. Mathematics and Philosophy in Late Antiquity*, Oxford.
- S.M. Pelekanidis et al., *Treasures of Mount Athos: illuminated manuscripts, miniatures, headpieces, initial letters*, 3 vols, 3: *M. Megistēs Lauras, M. Pantokratoros, M. Docheiariou, M. Karakalou, M. Philotheou, M. Hagiou Paulou*, Athens: Ekdotike Athenon, Cop. 1979.
- R.W. Sharples (2006), 'Pseudo-Alexander or Pseudo-Aristotle, Medical Puzzles and Physical Problems', in P. De Leemans & M. Goyens (eds), *Aristotle's Problemata in Different Times and Tongues*, Leuven (Mediaevalia Lovaniensia Series I, Studia 39), p. 21-32.
- J.G. Smyly (1933), 'Notes on Greek Manuscripts in the Library of Trinity College', in *Hermathena*, 33, p. 163-195.

- J.A.M. Sonderkamp (1984), 'Theophanes Nonnus: Medicine in the Circle of Constantine Porphyrogenitus', in *Dumbarton Oaks Papers*, 38, p. 29-41.
- I. Spatharakis (1976), *The Portrait in Byzantine Illuminated Manuscripts*, Leiden.
- S. Timpanaro (1963, repr. 1985), *La genesi del metodo del Lachmann*, Padova.
- R. Volk (1990), *Die medizinische Inhalt der Schriften des Michael Psellos*, Munich (Miscellanea Byzantina Monacensia 32).
- L.G. Westerink 1942, 'Proclus, Procopius, Psellus', *Mnemosyne*, 3 ser. 10, p. 278.
- N.G. Wilson (1966), 'The Date and Origin of MS Barocci 131', in *Byzantinische Zeitschrift*, 59, p. 305-306.
- (1978), 'A Byzantine Miscellany: MS. Barocci 131 described', in *Jahrbuch der österreichischen Byzantinistik*, 27, p. 157-179.

Web Links

Gallica: <http://gallica.bnf.fr/>

MS Oxford, Bodleian Library, Barocci 131 <http://image.ox.ac.uk/show?collection=bodleian&manuscript=msbarocci131>

Manuscripts catalogues: <http://manuscriptsonmicrofilm.wordpress.com/printed-catalogs-online/>

Teca digitale Laurenziana: <http://teca.bmlonline.it/TecaRicerca/index.jsp>

APPENDIX

THE EXTENDED OP. 16

PHI.28

CH. 1, On ensoulment of embryos:

TITLE: α'. Πότε ψυχούνται τὰ ἔμβρυα.

MANUSCRIPTS: Matrit. 4681, fols 103v, l. 3-104r, l. 21

EDITIONS: Duffy, ll. 1-32, p. 47-48

SOURCES: ll. 8-10, OD 59; Max. Ambig. 1321D-1325C; Greg. Nyss.

Quid sit 1332D ll. 13-18; OD 59; Ps. Gal. ad Gaur. 11, 10, 7, 4; ll.

29-30; cf. Procl. Art. hier. 149, 12-17; cf. also: OD 115; Op. 14 and

23, ed. O'Meara; Barocci 131, fols 408r-v, from Arist. *De generatione animalium*, ed. Pontikos, p. 16-18; Benakis, 'Birth of the logical

soul', *Greek Philosophia* 2 (1972), 329-336

CH. 2, On imperfect babies

TITLE: β'. Ποία αἰτία τῶν βρεφῶν τὰ μὲν εἰσι ἑλλειπή, τὰ δὲ ἄρτια.

MANUSCRIPTS: Matrit. 4681, fols 104r, l. 21-105v, l. 17

EDITIONS: Duffy, ll. 33-83, p. 49-50

SOURCES: ll. 44-49 cf. Iambl. Myst. 8, 4-6; ll. 50-62 cf. Herm. Trism. ad

Amm. 1-6 (ed. Ideler p. 387)

CH. 3, On male and female bodies

TITLE: γ'. Ὅτι οὐδεμία διαφορὰ τοῖς τοῦ θήλεος καὶ τοῦ ἄρρενος γεννητικοῖς μορίοις ἐστὶ, καὶ ὅτι δι' ἑλλειψιν θερμότητος τὸ θήλυ ἐν τῇ μήτρᾳ γίνεται

MANUSCRIPTS: Matrit. 4681, fols 105v, l. 18-107r, l. 12

EDITIONS: Duffy, ll. 84-132, p. 50-51

SOURCES: ll. 86-106: Gal. de usu part. IV, 158, 13-160, 1K.; IV, 634, 14

fols K.; ll. 108-109: cf. Gal. 162, 10-13; ll. 109-115: cf. OD 111, 2-7;

ll. 120-132 cf. Gal. 169, 9-171, 13; cf. also: OD 111; Barocci 131

fol. 406r-v, ed. Pontikos, p. 6-7, made of extracts from Galen, De usu partium, ed. G. Helmreich, 2 vols, Amsterdam 1968.

CH. 4, On sperm

TITLE: δ'. Περὶ τοῦ σπέρματος

MANUSCRIPTS: Matrit. 4681, fols 107r, l. 12-107v

EDITIONS: Duffy, ll. 133-158, p. 51-52

SOURCES: ll. 134-137: Arist. Gen. an. 736a2-11; ll. 136-7: Hdt. III 101;

ll. 137-146: Arist. 735a30-b16; ll. 153-155: Arist. 727b31 fols 739b

16=19; l. 157 Galenos = e.g. De sem. IV 622-623 K.; ibid. 536; cf. also: OD 110

CH. 5, On sexual intercourse

TITLE: ε'. Διὰ τίνα αἰτίαν τοῖς ὀνειρώπτουσιν ἡδύτεραι αἱ συνουσίαι φαίνονται

MANUSCRIPTS: Matrit. 4681, fols 108r-108v, l. 14

EDITIONS: Duffy, ll. 159-187, p. 52-53

SOURCES: l. 161 Aristeides: ubi?; cf. also OD 116

CH. 6, On the birth of monsters

TITLE: στ'. Διὰ τίνα αἰτίαν τῶν γεννωμένων τινὰ τερατοειδῆ γίνονται.

MANUSCRIPTS: Matrit. 4681, fols 108v, l. 15-109v, l. 3; TCD 373, p. 65, ll. 1-14: inc. mut. (edn p. 53 l. 201): ἡ εὐθεία ἐκφῶναί τε τῶν ἑτεροειδῶν ...

EDITIONS: Duffy, ll. 188-213, p. 53-54

SOURCES: l. 203: Job 4, 11; l. 204: Arist. Phys. = Emped. 198b32; 199b11; ll. 212-213: cf. Hipp. Epid. IV 1, 11 et al.; cf. also Physiologos

CH. 7, On cocks singing

TITLE: ζ'. Τίς ἡ αἰτία τοῦ τὸν ἀλεκτρούνα ᾄδειν νυκτός.

MANUSCRIPTS: Matrit. 4681, fols 109v, l. 3-110r, l. 17; TCD 373, p. 65, l. 15-p. 66, l. 21

EDITIONS: Duffy, ll. 214-241, p. 54-55

SOURCES: ll. 223-240: cf. Procl. Art. hier. 148-151

CH. 8, On satiety and desire in animals

TITLE: η'. Διὰ τὶ τῶν ζώων τὰ μὲν ἄπληστά εἰσι, τὰ δὲ πληροῦνται ταχέως καὶ τῆς ὀρέξεως ἴστανται

MANUSCRIPTS: Matrit. 4681, fols 110r, l. 18-111r, l. 5; TCD 373, p. 66, l. 22-p. 67

EDITIONS: Duffy, ll. 242-266, p. 55

SOURCES: Unidentified

CH. 9, On dogs' tails

TITLE: θ'. Τίς ἡ αἰτία δι' ἣν ὁ κύων τὸ οὐραῖον κινεῖ

MANUSCRIPTS: Matrit. 4681, fols 111r, l. 6-111v, l. 16; TCD 373, p. 68r-p. 69, l. 2

EDITIONS: Duffy, ll. 267-292, p. 55-56

SOURCES: Op. 55, ll. 783-786, p. 264; Homer, Il. 20, 170-171 = ll. 284-285; Op. 55, ll. 740-743; cf. Alex. Aphr. Problemata, ed. Ideler, Book 1 Sect. 149 and sect. 137

CH. 10, On ripples on water

TITLE: ι'. Τίς ἡ αἰτία δι' ἣν ἐπὶ τῶν στασίμων ὑδάτων κύκλους ποιοῦσι τὰ πίπτοντα σώματα μείζονας καὶ ἐλάττονας.

MANUSCRIPTS: Matrit. 4681, fol 111v, ll. 16-22, des. mut. (= edn l. 297):

ὁ δὲ τελευταῖος ἔλαττον [...; TCD 373, p. 69, l. 2-p. 70, l. 6

EDITIONS: Duffy, ll. 293-297 (des. mut.)

SOURCES: Op. 55, ll. 727-733; cf. Alex. Aphr. Problemata, ed. Ideler, Book 1, sect. 135

ADDITIONAL EXTRACTS

«CH. 11», On the perception of heat and cold

TITLE: αά'. Πρὸς τὸν εἰπόντα ἀνωμάλως ἔχειν τὸ σῶμα αὐτοῦ πρὸς τὰ θερμὰ τῶν ὑδάτων καὶ διαποροῦντα πρὸς τοῦτο·

MANUSCRIPTS: TCD 373, p. 70, l. 6-p. 72, l. 11

EDITIONS: None

SOURCES: cf. Alex. Aphr. Problemata. ed. Ideler, Book 1, sect. 54, 112, 113; cf. Op. 55, ll. 619-623

«CH. 12», On salt in sea and river waters

TITLE: αβ'. Πρὸς τὸν ἐρωτήσαντα πῶς ἡ θάλασσά ἐστι ἄλμυρά τῶν εἰς αὐτὴν ῥεόντων ποταμῶν ὄντων γλυκέων.

MANUSCRIPTS: TCD 373, p. 72. l. 11-p. 73, l. 11

EDITIONS: None

SOURCES: cf. OD 166; *Catalogus codicum astrologorum graecorum*, IX, p. 84

«CH. 13», On the sun's warmth

TITLE: αγ'. Εἰ θερμὸς ὁ ἥλιος.

MANUSCRIPTS: TCD 373, p. 73, l. 11-p. 74, l. 16

EDITIONS: None

SOURCES: cf. OD 130; *Catalogus codicum astrologorum graecorum*, IX, p. 84

«CH. 14», On solar eclipses

TITLE: αδ'. Πρὸς τοὺς ἡλίου ἔκλειψιν λέγοντας ἀντικαθιστάμενος

MANUSCRIPTS: TCD 373, p. 74, l. 17-p. 80, l. 17

EDITIONS: None

SOURCES: cf. OD 128-129; *Catalogus codicum astrologorum graecorum*, IX, p. 84

«CH. 15», On comets

TITLE: αε'. Περὶ κομήτου.

MANUSCRIPTS: TCD 373, p. 80, ll. 18-23, des. mut.: ὁ τοίνυν κο[...

EDITIONS: None

SOURCES: cf. OD 139; *Catalogus codicum astrologorum graecorum*, IX, p. 84

«CH. 16» LOST

«CH. 17» LOST

THE.11 and PHI.112

«CH. 18», On God and the world

TITLE: «η'».

MANUSCRIPTS: Matrit. 4681, fols 114r-119r, l. 15, inc. mut. (= edn. l. 23, p. 87): μεταμελῶν(εν)ο(ς) ἐφ'οῖς; of the 25 manuscripts listed by Moore, the most relevant are: P = Par. gr. 1182 (end of the 12th c.), fols 277r-278r, used in Gautier's edn; V = Vat. gr. 1026, 13th c. and v = Vat. gr. 573, 15th c. (used by Des Places with P); Vat. gr. 573, 14th-15th c., Vat. gr. 951, 14th c. (used by O'Meara with P and Matrit.)

EDITIONS: Gautier, *Theologica* I, Op. 23, p. 86-91 and Op. 23A, p. 91-93; cf. Des Places, *Oracles chaldaïques*, 189-191 (sigla M for Matrit.); O'Meara, *Philosophica minora*, 2, Op. 39, p. 146, l. 9-p. 148, l. 16 (sigla m¹⁰ for Matrit.)

SOURCES: cf. Greg. Naz. Or. 29, 2, 76A6-B5

THE.31

«CH. 19», On Gregory's words: 'How [God] is strong or not strong'

TITLE: ἰθ'. τοῦ αὐτοῦ· εἰς τ(ὸν) ὀητ(ὸν) τοῦ θεολό(γου) τὸ, π(ὼς) κυρί(ως) καὶ οὐ κυρί(ως)

MANUSCRIPTS: Matrit. 4681, fols 119r, l. 15-120r, l. 14

EDITIONS: Gautier, 'Collections', p. 66-67; Duffy/Westerink, *Theologica* II, Op. 36, p. 136-138, ll. 1-36;

SOURCES: cf. Greg. Naz. Or. 29, 5

POE.1

«CH. 20», On the Psalm titles

TITLE: κ'. τοῦ αὐτοῦ· εἰς τὰς ἐπιγραφὰς τῶν ψαλμ(ῶν) πρὸς(ς) τ(ὸν) βασιλέα τ(ὸν) δού(ξαν) κῦριν μι(χαή)λ

MANUSCRIPTS: Matrit. 4681, fols 120r, l. 15-124v; 29 manuscripts, among which some 11th cent. ones (Par. Coislin 12, fols 4v-8r;

Boston, Houghton gr. 3, fols 1r-7v); cf. also Laurent. Conv. Soppr. 627, 13th c.; Vat. gr. 1409, 13th c. ex., fols 44r-45v
EDITIONS: Kurtz-Drexl, *Michaelis Pselli Scripta minora* I, 389-400; Westerink, *Poemata* (1992), Poem 1, p. 1-13, 302 ll. (desunt vv. 168-261 [recte: 259]);
SOURCES: Unidentified

POE.3

«CH. 21», On the creed
TITLE: κα΄. τοῦ αὐτοῦ πρὸς τὸν... περὶ δογμάτος
MANUSCRIPTS: Matrit. 4681, fols 204v, l. 19-126v; 35 manuscripts of which cf. Vindob. Med. gr. 38, fols 27r-28v (14th c., Monomachum dicatur); Laur. Plut. 59.28, fols 7r-22v, copied from Matrit.
EDITIONS: Westerink, *Poemata* (1992), Poem 3, De dogmate, pp. 68-72, 99 ll.;
SOURCES: Unidentified

POE.4

«CH. 22», On Church councils
TITLE: κβ΄. τοῦ αὐτοῦ πρὸς(ς) τ(ὸν) αὐτ(ὸν) περὶ τῶν ἐπὶ συνόδον.
MANUSCRIPTS: Matrit. 4681, fols 127r-128v; 54 manuscripts: cf. Athos Ivir. 190
EDITIONS: Westerink, *Poemata* (1992), Poem 4, de conciliis, pp. 72-77 (D: fols 127r-v recte 128v)
SOURCES: Unidentified

INMACULADA PÉREZ MARTÍN
CSIC Madrid

THE TRANSMISSION OF MICHAEL PSELLOS' WRITINGS ON *METEOROLOGICA*

To explore the textual transmission of Psellos' philosophical writings, I have chosen a group of short texts published by Teubner in the first volume of *Philosophica minora* concerning specific questions drawn from Aristotle's *Meteorologica*. The reason I have chosen this piece of ancient knowledge is twofold: first, it allows us to determine precisely when it was recovered in Byzantium; and second, it provides appropriate material to study not only how Psellos worked on those matters (or texts, which in this case is the same), but also how his philosophical writings have been transmitted. The latter has not been properly studied, and fits the profile of our workshop.¹

Aristotle's *Meteorologica* provides a scientific frame for every ancient or Byzantine author who dealt with atmospheric phenomena or what we now call 'earth sciences', but it is not the only source used by Psellos. As Duffy's *apparatus criticus* in the Teubner edition shows, he also drew information from derivative texts such as the Aristotelian commentary by Olympiodoros – sometimes copied by Psellos word for word, sometimes just summarized – the doxographic tradition represented by pseudo-Plutarch, *De placitis philosophorum*,² and John Lydos' *De ostentis*.

¹ Anastasi 1976 is not a first approach to the subject, as its title would suggest, but deals with Psellos' writings on Michael Keroularios. Papaioannou 2012, although limiting itself to Psellos' correspondence, uses the manuscript evidence broadly and carefully from the same genetic point of view I am employing here.

² Pseudo-Plutarch was the inspiration for Psellos' *De omnifaria doctrina*, and Diels 1929, p. 29–31, used Psellos' collection to recover a more sound text of the

1. *The Eleventh Century: the Byzantine starting point*

After the standstill represented in the tradition of meteorological knowledge by Lydos' work, the interest in natural phenomena in the Byzantine period seems to have disappeared until its recovery in eleventh-century Constantinople when earthquakes became a matter of discussion.³ We know this thanks to Michael Attaleiates' *Historia*, which gathers different *doxai* on the causes of earthquakes, inserting a striking piece into his historical narrative.⁴ The reason for that debate was doubtless the confluence of two circumstances: the devastating earthquakes in 1063–64 and the teaching of Michael Psellos on *Meteorologica*.

The preservation of contemporary material evidence of that interest cannot be considered coincidental: the astrological-astro-nomical miscellany Florence, Laur. Plut. 28.34 includes a text on how the ancient Greeks explained earthquakes (fols. 111–114v: Φυσική θεωρία περὶ τῶν γινομένων σεισμῶν ὡς οἱ παλαιοί; see Pl. 1),⁵ followed by another work Περὶ σεισμῶν προσημείωσις (fols. 114v–115v) that better suits the principal astrological or divinatory concerns of the miscellany. In fols. 84–93v, we find excerpts from Antiochos' *Treasures*, an astrological work used by Psellos in *De omnifaria doctrina* (§ 161).⁶ The manuscript is a high-quality copy in *Perlschrift* prepared by a careful scribe who transcribed an

end of ps.–Plutarch, V.30). See also Lachenaud's edition of ps.–Plutarch 1993, p. 6, and more recently, Mansfeld & Runia 2009 on doxographical texts.

³ Aristotle's *Meteorologica* itself is preserved in codices prior to the eleventh century, such as Wien, Österreichische Nationalbibliothek, Phil. gr. 100 (9th century) and Paris, Bibliothèque nationale de France, gr. 1853, whose oldest part (fols. 1–345, including *Meteorologica* in fols. 129–175v) is dated in the tenth century, but attracted contemporary and later marginal additions. According to Saffrey 1969, p. 61, the fragments of the *Chaldaic Oracles* added in the margins of the *Metaphysics* in Par. gr. 1853 are contemporary to the copy of Aristotle, meaning that the oracles were known before Psellos. There is a paleographical analysis of the codex in Hecquet-Devienne 2000. As for Olympiodoros' commentary on *Meteorologica*, it is preserved only in manuscripts from the thirteenth century onwards.

⁴ Michael Attaleiates, p. 66–68 (87–91 Bekker). On the Byzantine perception of earthquakes, see Dagron 1981, Vercleyen 1988.

⁵ Ed. by Wachsmuth 1863 in Ioannes Lydos, *Liber de ostentis*, p. 167–170. The text on earthquakes matches with Psellos, Phil. min. nr. 26 (preserved only in the ms. from Oxford, Barocci 131), although the information they include does not coincide fully, and they are each independent of the other.

⁶ Boll 1898. On Antiochos, see Bautista Ruiz 2006.

earlier miscellany consisting mostly of anonymous ancient and late-antique material. The relatively short pieces making up the ensemble are carefully separated by bars and indicated with titles in capital letters. Even though the script known as *Perlschrift* was the standard style of the second half of the Macedonian empire, it is nonetheless surprising to find such a beautiful presentation for a copy of texts focused on non-scientific matters and lacking the validating tag of an ancient or Christian author. The best explanation of the existence of Laur. Plut. 28.34 is to locate it in the reign of Constantine Monomachos (1042–1055), the very beginning of Psellos' influence on Constantinopolitan cultural life: the context would explain the legitimation of this kind of anonymous knowledge through a careful and elegant copy.

On the other hand, it may be not entirely irrelevant to mention that perhaps the transmission of ps.-Plutarch, *De placitis philosophorum*, whose Book III concentrates the information on atmospheric phenomena, also began in the eleventh century. The work, included in the ancient Lamprias catalogue of *Moralia* (No. 58), and also part of the Planudean collection of *Moralia* (No. 51), does not belong to the *Moralia* corpus in the surviving Macedonian copies, with the sole exception of Moscow, Gosudarstvennyi Istoricheskii Muzej, Sinod. gr. 352 (Vlad. 501) from the middle of the eleventh century, where *De placitis philosophorum* (fols. 1–40) heads the rest of *Moralia*'s treatises. Along with the Moscow codex, *De placitis philosophorum* has also been preserved in two early Paleologan non-Plutarchean manuscripts with Psellian works: Oxford, Bodleian Library, Barocci 131 (see below) and Venice, Biblioteca Nazionale Marciana, gr. 521, an outstanding collection of *problemata* and *quaestiones* beginning with ps.-Plutarch and including Psellos' *Συνοπτικὸν σύνταγμα φιλοσοφίας* (PHI.170).⁷ Consequently, the possibility that the doxographic collection attributed to Plutarch was recovered and incorporated into the corpus of *Moralia* under Psellos' influence should be borne in mind.⁸

⁷ This numerical order of Psellos' writings is the one established by Moore 2005.

⁸ Diels 1929, p. 31, dated the *archetypus* of ps.-Plutarch to around the year 1000 and mentioned that the texts of Psellos' *De omnifaria doctrina* and of the Moscow codex were '*affines ac paene gemellos*'.

According to Ioannis Telelis' research, Psellos, Symeon Seth, and Eustratios of Nicea were the only scholars who transmitted Aristotelian wisdom on atmospheric phenomena⁹ and, since Eustratios was the student of Italos, and Italos – as well as Seth – was the student of Psellos, the flame lit by him seemed to peter out after two generations. That flame, however, was barely experimental, since none of them did any further research unlike their Islamic colleagues in Al-Andalus or in Cairo, such as Ibn Ma'udh or Ibn al-Haytham, who did observe some natural phenomena and tried to verify their calculations on the refraction of the sun's rays, for example.¹⁰ Nor did our Byzantine scholars challenge ancient misconceptions, such as the emission theory, according to which visual perception is accomplished by rays of light emitted by the eyes.¹¹

So for us the main interest of these Psellian texts is not their scientific originality. Nevertheless, they bear witness that, thanks once more to Psellos' unbounded curiosity,¹² Byzantine culture absorbed a new part of the Greek scientific legacy and it did so through his lessons (mostly in 1047–1055), as well as through writings of every kind, which to some extent defy classification.¹³

2. *The transmission of Psellos' meteorological writings*

The publication in 2005 of Moore's *Iter Psellianum* makes it extremely easy to explore the transmission of Psellian writings. Its section on physics and meteorology contains seventeen texts (edited by John M. Duffy in the Teubner volume of *Philosophica minora*), to which must be added *De omnifaria doctrina*, including a similar section from Olympiodoros, as well as the Σύνοψις τῶν φυσικῶν by Symeon Seth; a very Psellian text whose authorship

⁹ Telelis 2003; see also Pontikos 1992, p. xcvi–xcviii.

¹⁰ On the experiments in hydraulics and optics performed by Psellos in the classroom, see Kaldellis 2007, p. 204.

¹¹ Lindberg 1987. On the reception of *Meteorologica* in Arabic science, see Lettinck 1999. On the translations of Aristotle's *Meteorologica*, see Fontaine 1995 (Hebrew) and Takahashi 2004 (Syriac).

¹² On Psellos' *philomatheia*, see especially Duffy 1995, p. 91.

¹³ See Kaldellis 2005, p. 150, on the corpus of writings produced by his teaching.

is assigned to Psellos himself in several manuscripts.¹⁴ *De omnifaria doctrina* is preserved in 150 manuscripts copied throughout the Byzantine world (although only some of them are from the Byzantine period), while the individual *opuscula* on meteorological matters are preserved mostly in a few scattered Psellian manuscripts from Constantinople.

As Westerink explained, Redaction 1 of *De omnifaria doctrina*, titled Ἐπιλύσεις σύντομοι ἀποριῶν φυσικῶν, contains several sections on physics, while Redaction 2 is focused on theology, and Redactions 3 and 4 rearrange the whole work. Since Redaction 1 was dedicated to Constantine Monomachos, the context of the core of the composition of *De omnifaria doctrina* again lies in Psellos' interests in the years when he was appointed as ὑπάτος τῶν φιλοσόφων (1047) and shared his interest in natural phenomena with his disciples.¹⁵ As for Redaction 2, it was dedicated to Psellos' pupil, the future emperor Michael Doukas, though only in the title and without a dedicatory text at the beginning of the collection. Few codices of *De omnifaria doctrina* preserve other Psellian writings, and the text is generally transmitted along with other collections such as ps.-Plutarch or ps.-Alexander's *Problemata* (Redaction 1) as well as in theological miscellanies (Redactions 2-4).

As for *Philosophica minora*, it is a modern collection of 55 works preserved in 95 manuscripts. The publication seems to include the most widespread and general texts first, and to respect the original order of the manuscripts. Table 1 helps us to understand where these texts come from, as well as to perceive their real character, providing the reverse procedure to that followed by the editor: in other words, from edition to manuscript. Similar subjects may be treated by Psellos in works of very different kinds

¹⁴ *De omnifaria doctrina* was edited by Westerink 1948. In some manuscripts, the text is followed by Seth's *Synopsis* (PHI.168 in Moore's classification) under the title of Ἐτεροι ἐπιλύσεις φυσικῶν ἀπορημάτων. On the sources of the text, see Jenkins 2006, who describes Psellos' work as 'a handbook of paraphrases, often a word for word imitation, of not only Proclus, but of Plutarch, Aristotle, Plato, Olympiodorus and Simplicius' (p. 133).

¹⁵ The title mentions the emperor Monomachos in two manuscripts: Madrid, Biblioteca Nacional, Mss/4681, and Hagion Oros, Mone Ivion, ms. 190. See Westerink 1948, p. 4, Wiersma 1949, Moore 2005, p. 320, 323.

TEXT	MANUSCRIPTS	RELATED TEXTS
<i>Phil. min.</i> 19 [= PHI.31 Moore] <i>De meteorologicis</i> Σύνοψις περὶ τῆς ἀστραπῆς πυρὸς καὶ βροντῆς καὶ κεραυνῶν καὶ ἐτέρων μετεώρων ἐρωτήσεων.	Laur. 57.40 ff. 109v-113 (sine tit.), Barocci 131 ff. 316v-318 (tit. Τοῦ Ψελλοῦ), and 13 more mss.	
<i>Phil. min.</i> 20 [=PHI.32 Moore] Περὶ ὑετοῦ, χαλάξης, χιόνος, πάχνης καὶ δρόσου.	Laur. 57.40 ff. 267- 268v and 2 more mss.	Ex Olympiodoros. <i>De omn. doct.</i> 140-141.
<i>Phil. min.</i> 21 [=PHI.33 Moore] Περὶ ἀνέμων	Laur. 57.40 ff. 268v-270 and 2 more mss.	Ex Olympiodoros. <i>De omn. doct.</i> 146
<i>Phil. min.</i> 22 [=PHI.34 Moore] Περὶ βροντῆς, ἀστραπῆς, κεραυνοῦ, πρηστήρος, ἐκνεφίου καὶ τυφώνος.	Laur. 57.40 ff. 270- 271v, Barocci 131 f. 433r-v, and 2 more mss.	Ex Olympiodoros. <i>De omn. doct.</i> 147-150
<i>Phil. min.</i> 23 [= PHI.35 Moore] Περὶ ἄλλω καὶ ἵριδος, ῥάβδων τε καὶ παρηλίων.	Barocci 131 ff. 433v-434 [Pontikos nr. 27]	Ex Olympiodoros. <i>De omn. doct.</i> 143, 142, 144-145
<i>Phil. min.</i> 24 [= PHI.36 Moore] Περὶ τῶν κατ' οὐρανὸν φασμάτων καὶ περὶ κομητῶν καὶ γαλαξίου.	Barocci 131 f. 434r-v [Pontikos nr. 28]	Ex Olympiodoros. <i>De omn. doct.</i> 123-125
<i>Phil. min.</i> 25 [=PHI.37 Moore] <i>De cometis.</i>	Barocci 131 f. 425 [Pontikos nr. 21]	Anonymous Commentary to Ptolemy's Tetrabiblon
<i>Phil. min.</i> 26 [= PHI.38 Moore] Περὶ σεισμῶν.	Barocci 131 f. 425 [Pontikos nr. 22]	John Lydus, <i>De ostentis</i>
<i>Phil. min.</i> 27 [= PHI.39 Moore] Περὶ βροντῶν.	Barocci 131 f. 425v [Pontikos nr. 23]	John Lydus, <i>De ostentis</i>

<i>Phil. min.</i> 28 [= PHI.40 Moore] Περὶ κεραυνῶν.	Barocci 131 f. 425v [Pontikos nr. 24]	John Lydus, <i>De ostentis</i>
<i>Phil. min.</i> 29 [= PHI.41 Moore] Περὶ σεισμοῦ καὶ κινήσεως γῆς.	Par. gr. 1182, f. 107r-v	Ex Aristotle. <i>De omn. doct.</i> 164
<i>Phil. min.</i> 30 [= PHI.42 Moore] Εἰς τὸν σεισμόν τὸν γενό- μενον τῇ εἰκοστῇ τρίτῃ τοῦ Σεπτεμβρίου μηνός, τοῦ Προδρόμου.	Par. gr. 1182, ff. 93-95	

but, as far as *Meteorologica* concerned, the short works compiled in *Philosophica minora* are the core of the available material.¹⁶

Of the manuscripts which preserve these texts, we may highlight two from before the year 1204, the great watershed in Byzantine textual transmission, and one from just after the recovery of the Polis in 1261. It is very likely that these three manuscripts (Laur. Plut. 57.40, Par. gr. 1182 and Barocci 131) were copied in Constantinople, and the same may be said of other early Paleologan manuscripts that we shall mention. This fact is in stark contrast with the transmission of *De omnifaria doctrina*, which is dominated by the eccentricity of the manuscripts.

Laur. Plut. 57.40 (L) is the most ancient manuscript with a Psellian corpus and it proves that the effort to gather and preserve Psellos' letters and other works began very early.¹⁷ It consists of a fair copy of a collection of letters and short works of very varied types, in which it is difficult to find any internal logic. The first third of the Florence ms. includes a large collection of letters, and in the next sections we find brief rhetorical, theological and

¹⁶ This teaching on natural philosophy is specifically mentioned in two of Psellos' famous diatribes against his students: in *Or. min.* 21 (Ὅταν ἔβρεξε καὶ οὐκ ἀνῆλθον οἱ μαθηταὶ αὐτοῦ εἰς τὴν σχολήν), he jokes about atmospheric phenomena such as the παρήλιος and the ἀνθήλιος; in *Or. min.* 24 he mentions his lessons on the causes of chasms, the salinity of sea water, etc.

¹⁷ For a long time dated to the fifteenth century, Bianconi 2010, p. 94-96, reconsidered its copy date as the end of the eleventh century. For a description of the contents, see Gautier 1986, p. 89-101. See also Papaioannou 2012, p. 23-25.

philosophical writings. Some of them specify their author with τοῦ αὐτοῦ and others are small pieces separated by a simple (:-), without a title or author.

The first meteorological text (no. 19, PHI.31) were copied without a title in fols. 109v-113 (Pl. 2), among Psellian theological opuscula (fols. 101-168).¹⁸ *Phil. min.* Nos. 20-22 (PHI.32-34) were copied in the last part of the manuscript, which contains texts of every kind (fols. 265v-286v): philosophy, history, ascetics, law, and also scientific texts.

At the beginning of No. 19 in Laur. Plut. 57.40 (fol. 101), the scribe left a gap to insert the title. Since the work also lacks a title in Barocci 131, and the one included by other testimonies does not suit the content, we can say on this basis that Psellos did not write a title for this text and its readers and copyists had to supply it. In Laur. Plut. 57.40, fol. 109v, a second hand has added ζτ, which could be ζητει, 'look for (the title)', and included the symbol of a rod at the beginning of many texts, probably just to help in preparing the table of contents. The same abbreviation ζτ appears next to the title of other writings (Pl. 3, fol. 214v εἰς τοὺς κόρυς), fol. 216v (*Or. min.* 26, with another title, ed. Πρὸς τὸν μαθητὴν αὐτοῦ Σέργιον εἰπόντα μήποτε δηχθῆναι ὑπὸ ψύλλης), fol. 227v (Dennis *Or.* 4), 248v (*Or.* to Monomachos), and fol. 267, which begins the series of *Phil. min.* 20-22. Most of these texts are philosophical, which could favor a different meaning for the letters, ζήτημα. But, ultimately, not all the texts marked this way are in the form of ζητήματα.

The other major collection of Psellian writings (including also Eustathios of Thessaloniki's letters), Par. gr. 1182, was copied before 1204, and not in the thirteenth century, as was previously thought.¹⁹ The manuscript suffered severe damage before it was reconstructed in the Paleologan period and reproduced in Vat. gr. 671.²⁰ Par. gr. 1182 and its apographon only preserve two texts of

¹⁸ They follow the first text of the codex (Psellos' correspondence) without interruption in the same quire (no. 17) under the simple indication Τοῦ αὐτοῦ.

¹⁹ The new dating was suggested by Brigitte Mondrain to Kolovou 2006, p. 76*. On the inner organization of the manuscript, see Papaioannou 2012, p. 30-32. He suggests that the compiler of Par. gr. 1182 could have been Eustathios of Thessalonike or someone of his circle.

²⁰ The reconstruction of the phases in the restoration is a jigsaw puzzle that Serruys 1912, Gautier 1986, and Westerink 1987, among others, tried to solve.

our group: No. 29, which is somehow misplaced before a small group of short grammatical texts, and No. 30 (the monody composed on the 1063–64 earthquake), which is placed among other rhetorical writings.²¹

The compiler of Par. gr. 1182 had no access to Laur. 57.40, and neither did the main scribe of our third codex, Barocci 131. However, I shall not dwell on this here, since I have already studied it in the context of other early Paleologan manuscripts with Psellian writings.²² The person responsible for the current composition of the volume was someone linked to the Imperial administration soon after the recovery of the Polis in 1261 or even, more specifically, to the philosophical teaching of Manuel Holobolos. Its contents range from short poems to imperial documents, and from rhetorical works of the twelfth and thirteenth centuries to ancient and Byzantine letters. In this hodge-podge, we also find poems, logoi, and letters by Psellos.²³

Table 1 shows that the selection of texts in Barocci 131 coincides in some cases with the selection of Laur. Plut. 57.40 (*Phil. min.* Nos. 19 and 22, but they are independent versions of the text)²⁴, while other texts are only preserved by the Oxford manuscript (*Phil. min.* Nos. 23–28). No. 19, which is headed with Psellos' name, is isolated in fols. 316v–318 (Pl. 4) and flanked by Himerius and an imperial Novella. *Phil. min.* No. 22 is at the head of the meteorological contents included in fols. 433r–434v (Nos. 22–24). The remaining opuscles Nos. 25–28 have been transcribed on fol. 425r–v. They all form part of a section beginning

In the few hours I was able to study the volume, I concluded that, even if earlier hands had been involved in the organization of texts and quires, it was principally an early Paleologan hand who rearranged the texts. The note written on the first page, βίβλος ἀνέστη σχεδὸν πάντα τὰ συγγράμματα τοῦ σοφωτάτου Ψελλοῦ is from the same period after 1261, which following my presentation in the workshop, Filippo Pontani proposed to read βίβλος ἀφ' ἑσθ'... «περιέχουσα». I consider this a very attractive suggestion. In both readings, the outlook of the Paleologan scholars as curators of the Greek legacy after the recovery of the city in 1261 is overstressed.

²¹ There is a prior edition by Gautier 1978, p. 95–96, 143–151.

²² Pérez Martín 2012, but see the complete description of its contents in Wilson 1978. A recent contribution on the sources of the philosophical miscellany can be found in Hellmann 2012.

²³ On Psellos' reception by the Comnenian authors, see Papaioannou 2012, p. 27–28.

²⁴ Duffy 1992, p. xix.

on fol. 388 with some works on dialects and metrics and finishing on fol. 446v. Westerink, who published the essay *Περὶ ἀρχῶν καὶ περὶ ἐνώσεως ψυχῆς καὶ σώματος* (fols. 432v–433) considered the whole as the copy of Psellos' *Notizbuch*, which was perhaps prepared by a student of his.²⁵ Nigel Wilson considered the content of these fols. 397v–446v to be 'material assembled by Psellos for the *De omnifaria doctrina*', while Pontikos held that they were only inspired by Psellos' *De omnifaria doctrina*. The name of Psellos is never mentioned in this section of Barocci 131; the most likely reason being that it contains reading notes made by Psellos from Lydos and other sources when preparing his lessons on natural philosophy.

3. *Psellos' writings on Meteorologica*

The size and kind of texts presented in Table 1 vary greatly and range from brilliant and vivid compositions answering students' questions to texts described by Duffy as little more than very intelligent scissors-and-paste exercises. An extreme example is No. 25, a small paragraph on the shape of comets and its popular meaning. Its source, published by Hieronymus Wolf in 1559, is known as the *Anonymous Commentary on Ptolemy's Tetrabiblon*.²⁶ But most of the writings can be defined as a body of Aristotelian wisdom included in letters to friends (Nos. 20, 21, 29) or presented in lessons (Nos. 19, 23, 24).²⁷

Some titles apparently suggest that the contents are duplicated. The fact is, however, that they do not overlap, but respond to the plurality of sources. On earthquakes, a subject very much in vogue in the mid-eleventh century, we find three short works whose repetition also corresponds to the plurality of their sources and different addressees. No. 30 is a rhetorical composition on the abovementioned earthquake in 1063–64 which hardly in-

²⁵ Westerink 1959, p. 2–4.

²⁶ Wolf 1559, p. 55, according to Pontikos 1992, p. 75–76 (fr. no. 21). The fragment is preserved without a title between two Psellian opuscula in the ms. Barocci 131.

²⁷ According to Duffy 2002, p. 146, Psellos' philosophical writings are mostly 'pieces of exegesis that have their origin in the classroom and are therefore primary evidence for Psellos' activities as a teacher'.

cludes any precise scientific information or discussion at all. No. 29, on earthquakes and earth tremors, consists of excerpts from Aristotle, with an introduction and a coda, while No. 26 reproduces a chapter from Lydos' *De ostentis*.²⁸

Among these texts, *Phil. min.* No. 19 deserves to be examined more carefully. It deals with the celestial fire that causes certain atmospheric phenomena, as well as the fire of demons and dragons. Psellos wrote it for his students after embellishing Aristotle's pieces of information with samples of his sense of humor, some etymologies and other silly comments on the nature of demonic fire. It was a great success: we still have 17 copies; an outstanding number that can be explained by the more ambitious structure of the text and its more appealing content. Michael Glykas was one eminent reader of this Psellos' treatise.²⁹

The manuscript tradition reveals some titles which are either completely wrong or more or less inaccurate, suggesting that Psellos never provided titles. Two different versions of the beginning are preserved, both of which are represented by three manuscripts copied before the fourteenth century. Laur. Plut. 57.40 and Barocci 131 (without a title) incorporate an interesting introduction about why Psellos chose to lecture on fire and not on the rainbow and halo as his students had asked him to do.³⁰ This one must be the first version of the text, while the second one is an adaptation that eliminated the introduction and went straight to the point.³¹ Its title, *Περὶ ὑετοῦ, ἀστραπῆς καὶ βροντῆς*, is still not correct. This second version is preserved in a famous codex from Florence, Laur. Plut. 32.52, which is mainly dedicated to

²⁸ Psellos skips the beginning of Lydos (as Laur. 28.34 does), paraphrases the sentence *Σεισμός γίνεται τοῦ πυρὸς διεργαζομένου καὶ ξηραίνοντος τὴν ἐν βάθει γῆν, καὶ δῆλον*, and goes on copying Lydos word for word.

²⁹ In *Annales* 60.6–10, he reproduces *Phil. min.* No. 19.160–163 very closely. The historian also included fragments from *De omnifaria doctrina* in his work, as Mauromate-Katsougiannopoulou 1989 has demonstrated.

³⁰ *Ὁ μὲντοι περὶ τῆς ἱριδος λόγος, περὶ ἧς δὴ πρῶτης τήμερον ἠρωτήκατε, ἐς ἄλ-
λην ἡμέραν ἀναβελβλήσθω· πολὺς γάρ ἐστι καὶ ποικίλος καὶ πλείστης δεόμενος ἐξε-
τάσεως· τῶν γὰρ ἐν τοῖς μετεώροις λεγομένων τουτί μοι δοκεῖ τὸ θεώρημα μόνον
βασάνου δεῖσθαι πολλῆς καὶ γραμμικῶν ἀποδείξεων. διὸ ἡ μὲν ἱρις μετὰ τῆς ἄλλω εἰς
ἕτερον τεταμεύσθω καιρὸν· περὶ δὲ τῶν ἄλλων ὧν προεβάλλετε φυσιολογητέον καὶ
διερμηνευτέον εἰς δύναμιν. εἰσὶ δὲ ταῦτα· ποταπὸν τὸ τῆς ἀστραπῆς πῦρ καὶ ὁπόθεν
ἄλλεται, καὶ εἰ πᾶν πῦρ ἐκ νεφῶν καταρροηγνύμενον καυστικόν [...].*

³¹ *Ἡρωτήκατέ με, φίλτατοι παῖδες, ποταπὸν τὸ τῆς ἀστραπῆς πῦρ καὶ ὁπόθεν
ἄλλεται, καὶ εἰ πᾶν πῦρ ἐκ νεφῶν καταρροηγνύμενον καυστικόν [...].*

ancient poetry (Pindar and Theokritos)³² but also includes some of Psellos' poems.³³ *Phil. min.* No. 19 was copied on fols. 122–123 along with pieces of court oratory, a very interesting context for our scientific knowledge. The copy was made by two hands: the first of which belonged to the scribe, who together with Maximus Planudes, copied another outstanding collection of ancient poetry in 1280, Laur. Plut. 32.16. His identity provides us with the context for the transmission of these writings of Psellos.³⁴

4. *Some conclusions*

Stratis Papaioannou has explored the corpus of Psellian letters, and he gives many precise pieces of information on the transmission of Psellos' writings,³⁵ including the manuscripts studied here, as evidence of the spread of the themes of *Meteorologica* from the eleventh century onwards. We shall therefore restrict ourselves to drawing conclusions based on evidence relating to this field of knowledge recuperated by Psellos. The initial circulation of Psellos' writings, as the texts themselves show, was no doubt carried out through the personal and individual distribution to a specific correspondent or group of friends or pupils. The conservation of this type of written evidence is undoubtedly the most hazardous, and is limited to the inclusion of the sheet or bifolio among other papers which are finally bound together. As far as we know, there is no example which has survived in this way. The oldest texts we have are the result of operations to rescue Psellos'

³² An extensive bibliography on this codex can be found on <http://teca.bmlonline.it>. And more recently, see Bernabò 2011, p. 45 and Tav. 1, and Bernabò and Magnelli 2011.

³³ Moore 2005, p. 720.

³⁴ The handwriting of this scribe (who wrote fols. 54–97v, 122r–v l. 7, 124–125v in Laur. Plut. 32.25, while the second scribe only copied the last part of Psellos' writing in fols. 122v l. 7–123) is very similar to that of Planudes, and we must assume that between them there was something more than a simple joint copy in Laur. Plut. 32.16, and that they belonged to the same generation and had similar training and interests. In Laur. Plut. 32.16, Turyn 1972, p. 28–39 and Pl. 17–23 distinguished five scribes besides Planudes (scribes A–E), but the examples of their handwriting suggest that they are probably the same scribe, the one who also copied Psellos' No. 19 in Laur. Plut. 32.52.

³⁵ Papaioannou 2012.

legacy, which took place at a very early stage, and of the Paleologan anxiety to preserve ancient wisdom.

In Laur. Plut. 57.40 (L), the initial quires, which have been lost, would probably have included a pinax and mentioned Psellos as the author of the collection, but now the name of Psellos is mentioned only twice: after the only texts not written by him, the group of letters sent by Keroullarios to Petros of Antiocheia and by Petros to other Eastern patriarchs and to the Pope (fols. 168-198v), with the intention of making it clear that the collection had come back to the Psellian corpus. The second exception is in fol. 273, where there begins a hypomnema (*Or. forenses* 4; ORA.76) written by Psellos in 1056 to explain his lawsuit with his daughter's fiancé and to put pressure on him in order to recover some money.³⁶ This document was surely too private to be intended for publication, and, curiously enough, its transmission is restricted to the two most ancient testimonies. The fact that it has been conserved among Psellos' work accords with the intention of indiscriminately recovering all types of written matter related to the sage.

As for Par. gr. 1182, the scribe, compiler, or whoever undertook the copying, had some trouble in creating the ensemble: he was unable to finish the transcription of some texts whose last part was missing from the source (e.g. fol. 39) and copied the same works twice³⁷, showing that he had recourse to different sources or previous manuscripts in order to obtain the most complete collection possible of Psellos' work.

Unlike the Florence and Paris codices, the aim of the Barocchi scribes was not to gather and preserve the Psellian legacy, but to incorporate it into works by Michael Choniates, John Tzetzes, Constantine Manasses, and Eustathios Makrembolites, that is, in a more Comnenian context. Comnenian oratory and poetry was transmitted side by side with Psellian writings in many Paleologan manuscripts, such as Laur. 32.52 or Marc. gr. 524. On the

³⁶ Cf. Kaldellis 2006, p. 14-15, and the translation of the text on p. 139-156. The title is more of an introductory piece that gives many details absent from the hypomnema, and hence seems to have been drawn up by someone close to Psellos.

³⁷ Gautier 1986, p. 50: in fols 1-26v and 258-315v, two exegetical collections with some common texts.

scientific side, the isolated preservation of the reading notes on matters from *Meteorologica* in Barocci 131 reveals that the doxographical collection of *De omnifaria doctrina* and the miscellany of Barocci 131 are two different by-products that started with the same ‘cutting-and-pasting’ Psellos made from his sources.

I believe that the case studied here, that of the writings of Psellos on *Meteorologica*, shows that in order to properly understand Byzantine culture, of which the study of ancient texts forms such an important part, it is necessary to establish a chronology and a historical context to explain how the transmission took place, and what these texts represented for Byzantium. Only by doing so will we be able to depict Byzantine culture with a degree of precision: in the case studied, it has to do with the dissemination of the interests of a scholar and his understanding of the world. In this sense, the teaching and influence of Psellos marked a turning point.

Sources

- H. Diels (1929), *Doxographi Graeci*, Berlin: Walter de Gruyter et Socios.
- R. Fontaine (ed. 1995), *Otot Ha-Shamayim. Samuel Ibn Tibbon's Hebrew Version of Aristotle's Meteorology*, Leiden & New York: E.J. Brill.
- Ioannes Lydus, *Liber de ostentis*, ed. C. Wachsmuth, Lipsiae: Teubner, 1863.
- F. Kolovou ed. (2006), *Die Briefe des Eustathios von Thessalonike: Einleitung, Regesten, Text, Indizes*, München & Leipzig: K.G. Saur.
- Michael Attaleiates, *Historia*, ed. I. Pérez Martín, Madrid, 2002 (Nueva Roma 15).
- Michael Psellos, *De omnifaria doctrina*, ed. L.G. Westerink, Nijmegen, Centrale Drukkerij, N.V., 1948.
- Michael Psellos, *Oratoria minora*, ed. A.R. Littlewood, Leipzig: Teubner, 1985.
- Michael Psellos, *Philosophica minora*, 2 vols., ed. J.M. Duffy & D.J. O'Meara, Leipzig: Teubner, 1989–92.
- Ps.-Plutarch, *Placita philosophorum*: ed. G. Lachenaud (1993), *Plutarque, Opinions des Philosophes (Oeuvres morales XII.2)*, Paris: Les Belles Lettres.
- I.N. Pontikos (1992), *Anonymou philosophika symmeikta = Anonymi miscellanea philosophica: A miscellany in the tradition of Michael Psellos*

(*Codex Baroccianus Graecus 131*), Athenai & Paris & Bruxelles: Akademia Athenon & Vrin & Ousia.

- H. Takahashi (2004), *Aristotelian Meteorology in Syriac: Barhebraeus, Butyrum Sapientiae, Books of Mineralogy and Meteorology*, Leiden & Boston: Brill.
- H. Wolf ed. (1559), *Εἰς τὴν τετράβιβλον τοῦ Πτολεμαίου ἐξηγητῆς ἀνώνυμος. Claudii Ptolemaei quadripartitum enarrator ignoti nominis, quem tamen Proclum fuisse quidan existimant...*, Basel: ex officina Petriana.

Bibliography

- R. Anastasi (1976), 'Sulla tradizione manoscritta delle opere di Psello', in id., *Studi di filologia bizantina*, Catania (Siculorum Gymnasium 2), p. 61-91.
- H. Bautista Ruiz (2006), 'Los Tesoros de Antíoco de Atenas: edición crítica, traducción y comentario (caps. 0-53)', Unpublished Doctoral Thesis, Universidad de Málaga.
- M. Bernabò (ed., 2011), *Voci dell'Oriente. Miniature e testi classici da Bisanzio alla Biblioteca Medicea Laurenziana*, Firenze: Polistampa.
- M. Bernabò & E. Magnelli, 'Il codice Laurenziano plut. 32.52 e l'iconografia bizantina dei *carmina figurata*', *Bizantinistica*, ser. 2, 13 (2011) p. 189-231.
- D. Bianconi (2010), 'Età comnena e cultura scritta. Materiali e considerazioni alle origini di una ricerca', in A. Bravo García & I. Pérez Martín & J. Signes Codoñer (eds), *The Legacy of Bernard de Montfaucon: Three Hundred Years of Studies on Greek Handwriting. Proceedings of the Seventh International Colloquium of Greek Palaeography (Madrid-Salamanca, 15-20 September 2008)*, Turnhout: Brepols (Bibliologia 31), p. 75-96: 94-96.
- F. Boll (1898), 'Psellus und das grosse Jahr', *Byzantinische Zeitschrift*, 7, p. 599-602.
- G. Dagron (1981), 'Quand la terre tremble', *Travaux et Mémoires*, 8, p. 87-103.
- J.M. Duffy (1995), 'Reactions of Two Byzantine Intellectuals to the Theory and Practice of Magic: Michael Psellos and Michael Italikos', in H. Maguire (ed.), *Byzantine Magic*, Cambridge (MA): Harvard University Press, p. 83-90.
- J.M. Duffy (2002), 'Hellenic Philosophy in Byzantium and the Lonely Mission of Michael Psellos', in K. Ierodiakonou (ed.), *Byzantine Philosophy and its Ancient Sources*, Oxford, p. 139-156.
- P. Gautier (1978), 'Monodies inédites de Michel Psellos', *Revue des études byzantines*, 36, p. 83-151.

- P. Gautier (1986), 'Deux manuscrits pselliens: le Parisinus Graecus 1182 et le Laurentianus Graecus 57-40', *Revue des études byzantines*, 44, p. 45-110.
- M. Hecquet-Devienne (2000), 'Les mains du Parisinus Graecus 1853. Une nouvelle collation des quatre premiers livres de la *Métaphysique* d'Aristote (folios 225v-247v)', *Scrittura e Civiltà*, 24, p. 103-171.
- O. Hellmann (2012), 'Aristotelische Biologie in Byzanz: zur Rezeption der zoologischen *Sylloge* des Konstantinos Porphyrogenetos in der Schrift *Περὶ τῆς ἀνθρωπείας γονῆς* des Codex Baroccianus Graecus 131', *Rursus* 7 (DOI : 10.4000/rursus.939).
- D. Jenkins (2006), 'Psellos' Conceptual Precision', in Ch. Barber & D. Jenkins (eds), *Reading Michael Psellos*, Leiden & Boston: Brill, p. 131-151.
- A. Kaldellis (2005), 'The Date of Psellos' Theological Lectures and Higher Religious Education in Constantinople', *BSL*, 68, p. 143-151.
- A. Kaldellis (2006), *Mothers and Sons, Fathers and Daughters. The Byzantine Family of Michael Psellos*, Notre Dame (Indiana): University of Notre Dame.
- A. Kaldellis (2007), *Hellenism in Byzantium: The transformation of Greek identity and the reception of the classical tradition*, Cambridge: Cambridge University Press.
- P. Lettinck (1999), *Aristotle's Meteorology And Its Reception in the Arab World, with an Edition and Translation of Bajj Suwar's Treatise on Meteorological Phenomena And Ibn Bajja's Commentary on the Meteorology*, Leiden & Boston: Brill.
- D. Lindberg (1987), *Theories of vision from Al-Kindi to Kepler*, Chicago & London: University of Chicago Press.
- J. Mansfeld & D.T. Runia (2009), *Aëtiana: The method and intellectual context of a doxographer*, Part 1 & 2, Leiden: E.J. Brill.
- S. Mauromate-Katsougiannopoulou (1989), 'Η Διδασκαλία παντοδαπή του Μιχαήλ Ψελλού και η Χρονογραφία του Μιχαήλ Γλυκά', *Byzantina*, 15, p. 143-153.
- P. Moore (2005), *Iter Psellianum: A Detailed Listing of Manuscript Sources for All Works Attributed to Michael Psellos, Including a Comprehensive Bibliography*, Toronto: Pontifical Institute of Mediaeval Studies (Subsidia mediaevalia 26).
- S. Papaioannou (2012), 'A Fragile Literature: Byzantine Letter-Collections and the Case of Michael Psellos', in P. Odorico (ed.), *La face cachée de la littérature byzantine. Le texte en tant que message immédiat*, Paris: EEHS.

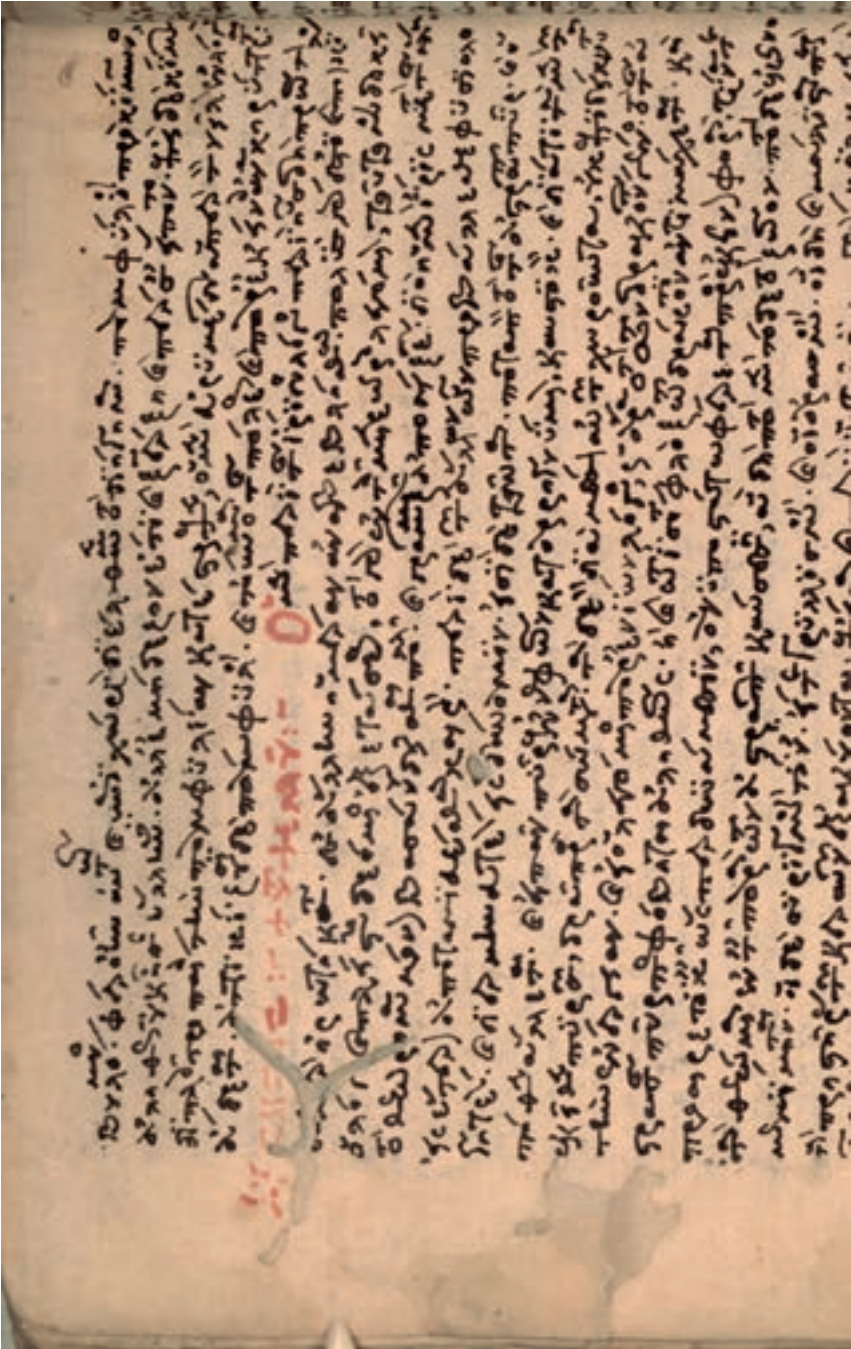
- I. Pérez Martín (2012), 'The Transmission of Some Writings by Psellos in Thirteenth-Century Constantinople', in A. Rigo (ed.), *Theologica minora: The Minor Genres of Byzantine Theological Literature, Moscow, 21-22 November 2011, St Tikhon's Orthodox University, Faculty of Theology*, Turnhout: Brepols, forthcoming.
- H.D. Saffrey (1969), 'Nouveaux Oracles Chaldaïques dans les Scolies du Paris gr. 1853', *Revue de Philologie*, 43, p. 59-72.
- D. Serruys (1912), 'Note sur le manuscrit de Psellos: Parisinus 1182', *Byzantinische Zeitschrift*, 21, p. 441-447.
- I. Telelis (2003), 'Οι λόγιοι του 11ου αιώνα και ο Αριστοτελισμός: Η περίπτωση των Μετεωρολογικών', in V.N. Vlyssidou (ed.), *Η αυτοκρατορία σε κρίση: Το Βυζάντιο τον 11^ο αιώνα (1025-1081)*, Athens, National Hellenic Research Foundation, p. 425-442.
- A. Turyn (1972), *Dated Greek Manuscripts of the Thirteenth and Fourteenth Centuries in the Libraries of Italy, Urbana & Chicago & London: University of Illinois Press.*
- Fr. Vercleyen (1988), 'Tremblements de terre à Constantinople: l'impact sur la population', *Byzantion*, 58, p. 155-173.
- L.G. Westerink (1959), 'Exzerpte aus Proklos' *Enneaden-Kommentar* bei Psellos', *Byzantinische Zeitschrift*, 52, p. 1-10.
- L.G. Westerink (1987), 'Le Parisinus Gr. 1182 et le Vaticanus Gr. 671 de Psellos', in J. Dummer ed., *Texte und Textkritik. Ein Aufsatzsammlung*, Berlin (Texte und Untersuchungen zur Geschichte der altchristlichen Literatur 133).
- W. Wiersma (1949), 'A Note on Psellus' *De Omnifaria Doctrina*', *Mnemosyne*, IV 2, p. 154-156.
- N.G. Wilson (1978), 'A Byzantine miscellany: MS. Barocci 131 described', *Jahrbuch der österreichischen Byzantinistik*, 27, p. 157-179.

[illegible]

Διαφορ' ἐν ταῖς ἡγεσίαις. Καὶ τοῖς ἐν ἑκάτεροις ἀρχαῖοις.
 Ἐμμεσάμεν οὐδ' ὀρίτ'. Καὶ ἰατ' αὐτῶν. τὸ μὲν οὖν πορὸς
 τὸ πᾶν κτ' ἔμελλον. πάντοτε δὲ τῶν ἐνοικησάντων νοσοῦν,
 εἰς τὴν ἀλυστὴν μεθ' ἑαυτοὺς ἀφ' ὧν. ἡ τῶν αὐτῶν
 μὲν τοῦ λ' οὐδ' ἔμελλον. ὡς εἰδέναι. ἡ μὲν τ' ὀνυχὴ τ'
 ἰσραὴλ αὐτῶν. τί δὲ τ' ὀνυχὴ τῶν ἰσραήλων. Καὶ τ' χαλκὸς
 σκευὴν ἀλυστῶν. τὸ πορὸς δὲ ἐλάττω. οὐδ' οὐκ ἔμελλον
 κτ' ἔμελλον. ὡς φυχὴ ἀποπνεῖσθαι τοῦ σώματος. Καὶ ἐν τῇ
 χώρῃ οὐκ ἔμελλον. Καὶ τ' ἐκείνῃ προσθυσίαν καὶ, οὐκ ἔμελλον τὸ
 πᾶν οὐδ' ἔμελλον. ἀλλ' οὐδ' ἔμελλον. Καὶ εἰς τὴν
 τοῦ σώματος οὐδ' ἔμελλον καὶ αὐτὴν ἔμελλον τῶν πορὸς
 ὀρίτ'. Καὶ τ' ἐν τῇ ἀλυστῇ οὐκ ἔμελλον. ὡς πρὸς τὸ
 τ' φιλοσοφίασθαι ἡ μὲν αὐτῶν. Καὶ ἀπὸ τῶν οὐκ ἔμελλον
 οὐκ ἔμελλον εἰς τὴν ἀλυστῇ. οὐδ' ἔμελλον τὸ
 κτ' ἔμελλον. εἰς τὴν ἀλυστῇ. τῶν πορὸς
 οὐκ ἔμελλον.

ΤΟΥ Αὐτοῦ Εἰς Κόρεις.

Οἱ δὲ πολλοὶ τοῦ Κόρεις κακί ζουσι. ἡ μὲν αὐτῶν ἀπορροῖται
 χρωτ'. οὐκ ἔμελλον τὸ πορὸς τῶν ἀλλοῖς ζώοις λόφῃ καὶ κέντρῃ
 καὶ κέντρῃ καὶ χαλκῷ αὐτοῦ. τοῦ τοῦ ἐκείνῃ οὐκ ἔμελλον
 φυχὴ αὐτῶν. φυχὴ γὰρ αὐτῶν τοῖς ζώοις τοῦ μὲν ἀλυστῇ
 ἐν τῇ ἀλυστῇ καὶ κέντρῃ. οὐδ' ἔμελλον οὐδ' ἔμελλον τὸ
 κέντρῃ καὶ κέντρῃ. ἀλλ' οὐδ' ἔμελλον τὸ πορὸς τῶν ἀλλοῖς
 ζώοις οὐκ ἔμελλον. εἰς τὴν ἀλυστῇ. τῶν πορὸς



Pl. 4: Oxford, Bodleian Library, Barocci 131, fol. 316v.

ERIKA GIELEN
Leuven

THE MONK AND THE STAGIRITE.
AN ANALYSIS
OF THE *DE VIRTUTE ET ASCESI*
OF NICEPHORUS BLEMMYDES

Around 1263, Nicephorus Blemmydes, key figure of the literary and theological scene in the Nicaean Empire, finished the short treatise *Περὶ ἀρετῆς καὶ ἀσκήσεως* (*De virtute et ascesi*). It formed the second part of a ‘diptych’ with the theological text *Περὶ πίστεως* (*De fide*), as Blemmydes himself made clear in the introductory lines of his *De virtute*:

Ἐπεὶ γὰρ ἔργα πίστεως ἔρημα καὶ πίστις ἔργων χωρὶς, οἷα νεκρά, ζῶν τῷ κεκτημένῳ παρασχεῖν οὐχ ἰκάνωνται, περὶ τοῦ ὀρθοῦ δόγματος ἐν ἐπιτομῇ προδιαλαβὼν, εἰκότως καὶ περὶ τῆς ὀρθῆς πράξεως τὸν αὐτὸν τρόπον ἐπιδιαλαβεῖν οὐ κατώκησα

Since works deprived of faith and faith without works, as being dead, do not suffice to provide the possessor with life, I, discussing first in brief the right doctrine, did not shrink from discussing similarly also the right way of acting in the same way.¹

Up to now this ethical treatise has never been subject of any serious scientific discussions, not in the least, most likely, because for a long time it was only available in the deficient *editio princeps* of 1784 by Voulismas.² Secondly, owing to Blemmydes’ ac-

¹ Nicephorus Blemmydes, *De virtute et ascesi*, ed. E. Gielen, l. 6–11.

² Νικηφόρου μοναστοῦ καὶ πρεσβυτέρου τοῦ Βλεμμίδου ἐπιτομὴ λογικῆς [...] μετὰ τῆς ἐπιτόμου αὐτοῦ φυσικῆς [...] περὶ σώματος [...] καὶ περὶ ψυχῆς [...], περὶ πίστεως καὶ ἀρετῆς καὶ ἀσκήσεως τοῦ αὐτοῦ Βλεμμίδου, προηγουμένης τούτων τῆς καθολικωτέρας αὐτοῦ ἐπιστολῆς, ed. D. Voulismas, Lipsiae, 1784, vol. 3, p. 121–140.

tive engagement in the polemic between the Catholic and Orthodox Churches on the procession of the Holy Spirit, scholars have been focusing almost exclusively on his purely theological works.³ This contribution, then, presents the first analysis of this *De virtute*, in order to better estimate its particular character and value, as well as to better understand its further circulation. To this aim, evidence will be taken also from other works of Blemmydes, like the *De fide*,⁴ and his *Περὶ ψυχῆς* (*De anima*),⁵ given their close relationship with the *De virtute*.

1. *Quellenforschung*

When talking about ethical philosophy in Antiquity and Byzantium, one work which can absolutely not be neglected is the *Ethica Nicomachea* of Aristotle. Based on its manuscript tradition, it seems to have been one of the most popular Aristotelian works in Byzantine times. Besides this, also several manuscripts of the *Ethica Eudemia* and *Magna Moralia* must be taken into account.⁶ In his short overview of Byzantine commentaries and paraphrases of Aristotle's *Ethica*, Benakis emphasized a tight (verbal and structural) relationship between the *Ethica Nicomachea* and Blemmydes' *De virtute* as well.⁷ In a similar way, one could point at a certain *commentaria in De anima* from the pen of Nicephorus Blemmydes in the famous inventory of manuscripts that contain works of Aristotle or commentaries on one of Aristotle's works by Wartelle; the text of this alleged *commentaria* turns out to actually refer to Blemmydes' treatise commonly entitled *De anima*.⁸ However, nor Blemmydes' *De virtute*, nor his *De anima* are to be classified under the traditional genre of commentary or paraphrase, as a detailed analysis of the sources shows.

What is, indeed, easily observed in both works, is the lack of regular quotations from, respectively, Aristotle's *Ethica* and his *De*

³ See e.g. Grumel 1929; Stavrou 2007.

⁴ Stavrou 2013, p. 273-379.

⁵ Verhelst 1976, p. 1-41.

⁶ See e.g. Benakis 1995.

⁷ Benakis 1995, p. 258: 'Ο φιλόσοφος τῆς Νικαίας Νικηφόρος Βλεμμύδης (1197-1272) ἔγραψε καὶ ἓνα Λόγον περὶ ἀρετῆς καὶ ἀσκήσεως [...] ἔτσι καὶ σὺν Περὶ ἀρετῆς διάρθρωση καὶ ὁρισμοὶ βασίζονται κυρίως στὰ Ἡθικὰ Νικομάχεια.

⁸ Wartelle 1963, nos. 71 and 1793.

anima, serving as *lemmata* which indicate that the Aristotelian text is interpreted section by section, such as was the case in the famous commentaries of e.g. Aspasius (2nd century) and Eustratius of Nicaea (11–12th century).⁹ What is more, the whole *De anima* of Blemmydes only contains one verbal quotation from Aristotle, i.e. the definition of the soul as ἐντελέχεια ἡ πρώτη σώματος φυσικοῦ δυνάμει ζῶν ἔχοντος (*the first actuality of a natural body potentially possessing life*),¹⁰ which corresponds to Aristotle, *De anima*, 412a, 27–28, and as ἡ πρώτη ἐντελέχεια σώματος φυσικοῦ ὁργανικοῦ (*the first actuality of a natural body possessed of organs*),¹¹ taken from Aristotle, *De anima*, 412b, 4–6.

As for the *De virtute*, also here, direct quotes from Aristotle's *Ethica Nicomachea* – parallel passages that are marked by more than just one or two verbal similarities, so that it cannot be coincidence – clearly do not constitute the major part of Blemmydes' text. One example can be found in Blemmydes' discussion of φρόνησις (*prudence*), stating that ἀνάγκη τὴν φρόνησιν ἔξιν εἶναι μετὰ λόγου ἀληθοῦς περὶ τὰ ὄντως ἀνθρώπινα ἀγαθὰ πρακτικὴν (*prudence must be a disposition with true reason which, in relation to the good things that are truly human, is concerned with action*) – verbal reference to Aristotle, *Ethica Nicomachea*, 1140b, 20–21.¹² Yet one should also notice that this quotation was used by Eustratius of Nicaea too,¹³ so one cannot be even sure whether Blemmydes took this quote from Aristotle directly or from an indirect source like Eustratius. The latter case is not unlikely, since evidence points at a direct use of Eustratius' commentary on Aristotle's *Ethica* by Blemmydes. The passage in question concerns the difference between speculative and practical intellect:

⁹ See e.g. as well the definition of a commentary, as opposed to a paraphrase, by the 13–14th-century philosopher Sophonias in the introduction of his own *In Aristotelis libros de anima paraphrasis*: οἱ μὲν γὰρ, ὅσοι περ αὐτὸ τοῦτο ἐξηγηταί, ἰδίως ἐκθέμενοι καὶ κατὰ μέρος τὸ κείμενον τὴν ἐρμηνείαν ἐπισυνήψαν, σὺν τε καὶ τῇ διακρίσει τὴν λέξιν τοῦ φιλοσόφου τηρήσαντες καὶ τὰ παρ' ἐαυτῶν προσέφερον εἰς σαφήνειαν (ed. Huyduck, p. 1, l. 5–8).

¹⁰ Nicephorus Blemmydes, *De anima*, ed. Verhelst, p. 2, l. 5–6. See also Verhelst 1976, p. 76.

¹¹ Nicephorus Blemmydes, *De anima*, ed. Verhelst, p. 2, l. 8–9.

¹² Nicephorus Blemmydes, *De virtute*, ed. Gielen, l. 187–189. Only addition by Blemmydes is the adverb ὄντως.

¹³ Eustratius Nicaeensis, *In Ethica Nicomachea VI commentaria*, ed. Heylbut, p. 311, l. 26–28.

NIC. BLEMM., *De virtute*,
ed. Gielen, l. 160-164

Περὶ μὲν τὰ καθόλου καὶ ὑπὲρ αἰσθησιν ἐνδιατρίβον, σοφίαν τὲ κατορθοὶ καὶ ἐπιστήμην, καὶ νοῦς θεωρητικὸς καὶ διάνοια λέγεται. Περὶ δὲ τὰ καθέκαστα καταγινόμενον καὶ πρακτά, νοῦς τὲ πρακτικὸς καὶ λογισμὸς ὀνομάζεται.¹⁴

EUSTR., *In EN VI*, ed. Heylbut,
p. 393, l. 25-29

Ὁ γὰρ αὐτὸς νοῦς ὅτε μὲν περὶ τὰ καθόλου καὶ τὰ ὑπὲρ αἰσθησιν καταγίνεται, σοφίαν τε κατορθοὶ καὶ ἐπιστήμην, καὶ νοῦς θεωρητικὸς καὶ διάνοια λέγεται, ὅτε δὲ περὶ τὰ καθ' ἕκαστα καὶ πρακτά, νοῦς τε πρακτικὸς καὶ λογισμὸς ὀνομάζεται.

Nonetheless, there are other passages as well in which the verbal similarities with Aristotle's work are quite remarkable. In one excerpt, Blemmydes argues that continuous habituation to the virtues stimulates one into more virtuous acts:

NIC. BLEMM., *De virtute*,
ed. Gielen, l. 266-273

Ἐκ μὲν γὰρ τοῦ τῶν σωματικῶν ἐθίσαι καταφρονεῖν ἡδονῶν καὶ τούτων ἀπέχεσθαι γινόμεθα σώφρονες· γενόμενοι δέ, μᾶλλον αὐτῶν ἀπέχεσθαι καὶ πλέον δυνάμεθα. Τῶν τε φοβερῶν καταφρονεῖν ἐθιζόμενοι καὶ ὑπομένειν αὐτὰ καὶ φέρειν γενναίως, ἀνδρεῖοι γινόμεθα· γενόμενοι δέ, καταφρονητικώτερον ἔχομεν πρὸς αὐτά, καὶ τὰ μάλιστα φοβερώτερα γενναιώτερον φέρειν ἰσχύομεν.¹⁵

ARIST., *EN*, ed. Bywater,
1104a, 33 - 1104b, 3

Ἐκ τε γὰρ τοῦ ἀπέχεσθαι τῶν ἡδονῶν γινόμεθα σώφρονες, καὶ γενόμενοι μάλιστα δυνάμεθα ἀπέχεσθαι αὐτῶν· ὁμοίως δὲ καὶ ἐπὶ τῆς ἀνδρείας· ἐθιζόμενοι γὰρ καταφρονεῖν τῶν φοβερῶν καὶ ὑπομένειν αὐτὰ γινόμεθα ἀνδρεῖοι, καὶ γενόμενοι μάλιστα δυνήσόμεθα ὑπομένειν τὰ φοβερά.

The fact that this passage, in this phrasing, is only found – of course, as far as the corpus of surviving texts allows us to sug-

¹⁴ Translation: *Insofar as it is concerned with universal things that transcend sense perception, it accomplishes wisdom and knowledge, and is called both speculative intellect and discursive thinking. Insofar as it is concerned with particularities and actions, it is called practical intellect and calculative reasoning.*

¹⁵ Translation: *For by accustoming ourselves to despise bodily pleasures and to abstain from them, we become temperate. When we are temperate, we are better and more able to abstain from them. When we train ourselves to despise terrible things and to endure and nobly bear them, we become courageous. When we are courageous, we rather look down on these and have the power to endure the greatest terrors quite nobly.*

gest –, besides in Blemmydes, in Aristotle's *Ethica Nicomachea*, might be an indication that Blemmydes had Aristotle's own work at hand while writing his *De virtute*.¹⁶ And so was a copy of Aristotle's *Magna Moralia*, as is shown by the following two passages, which both contain definitions of φρόνησις (*prudence*):

NIC. BLEMM., *De virtute*,
ed. Gielen, l. 179–182

Ἡ δὲ φρόνησις περὶ τὰ πρακτά,
ἐν οἷς αἵρεσις καὶ φυγὴ κατὰ τὴν
ἡμῶν αὐτεξουσιότητα· καὶ γὰρ ἐφ'
ἡμῖν ἐστὶν αὐτὰ πράξαι καὶ μὴ
πράξαι.¹⁷

ARIST., *MM*, ed. Susemihl,
1, 34, 8, 3–5

Ἡ δὲ φρόνησις περὶ τὰ πρακτά, ἐν
οἷς αἵρεσις καὶ φυγὴ καὶ ἐφ' ἡμῖν
ἐστὶν πράξαι καὶ μὴ πράξαι.

NIC. BLEMM., *De virtute*,
ed. Gielen, l. 198–200

Σοφίας δέ τις οὕσα οἷον ἐπίτρο-
πος, τὰ πάθη κατέχει καὶ σωφρο-
νίζει, καὶ ταύτην παρασκευάζει τὸ
οἰκεῖον ἔργον ἀθορύβως ποιεῖν.¹⁸

ARIST., *MM*, ed. Susemihl,
1, 34, 32

Οὕτω καὶ ὁμοίως τούτῳ ἡ φρόνη-
σις ὥσπερ ἐπίτροπός τις ἐστὶ τῆς
σοφίας, καὶ παρασκευάζει ταύτη
σχολὴν καὶ τὸ ποιεῖν τὸ αὐτῆς
ἔργον, κατέχουσα τὰ πάθη καὶ
ταῦτα σωφρονίζουσα.

It should come as no surprise that Blemmydes had based himself on the original works of the Stagirite on ethics to compose his own discussion of the virtues. So had he, when he wrote his *Epitome physica*, since throughout this text, Aristotelian quotations and expressions are found which had not been copied

¹⁶ Actually, this passage is also to be found in the – most likely fourteenth-century (and so 'post-Blemmydian') – anonymous *In Ethica Nicomachea paraphrasis*, ed. Heylbut, p. 29, l. 25–30: καὶ γὰρ ἐκ τοῦ ἀπέχεσθαι τῶν ἡδονῶν σώφρονες γινόμεθα καὶ σώφρονες γινόμενοι δυνάμεθα τῶν ἡδονῶν ἀπέχεσθαι μᾶλλον. Ὅμοιος δὲ καὶ ἐπὶ τῆς ἀνδρείας· ἐπιζόμενοι γὰρ καταφρονεῖν τῶν δεινῶν καὶ ὑπομένειν αὐτὰ γινόμεθα ἀνδρείου· γινόμενοι δὲ αὐτὸ τοῦτο πάλιν πλεον δυνάμεθα τὸ ὑπομένειν τὰ φοβερά. On the author of this text, see Nicol 1968; Benakis 1995, p. 256–257.

¹⁷ Translation: *Prudence is concerned with practical affairs, in which election and rejection depend on our own free will, since it as well lies in our power to act and not to act.*

¹⁸ Translation: *As some kind of steward to wisdom, it restrains and tempers passion, and it prepares wisdom to perform its own task undisturbedly.*

by commentators like Simplicius and John Philoponus (both 6th century).¹⁹

However, large parts of Blemmydes' *De virtute* remain without direct source. In these cases, the reasoning and vocabulary is, for sure, often Aristotelian in nature. For example, it is easy to link Blemmydes' description of the so-called 'doctrine of the mean', according to which every virtue is to be seen as the mean between two vices, one being defect, the other excess, to a corresponding passage in Aristotle's *Ethica Nicomachea*:

NIC. BLEMM., *De virtute*,
ed. Gielen, l. 230–235

ARIST., *EN*, ed. Bywater,
1108b, 11–15

Καὶ ὁμοιότροπος ἡ ἀντίθεσις ἐπὶ τε ταύτης καὶ πάσης ἀρετῆς. Αἱ κακίαι γὰρ αἱ παρ' ἐκάτερα τῆς μεσότητος ἀντίκεινται μὲν ὡς κακίαι τῇ ἀρετῇ, καὶ ὡς ἄκρα τῷ μέσῳ. Διὰ δὲ τὴν ἀπ' ἀλλήλων ἐς τόσον ἀπόστασιν – τὸ μὲν γὰρ ἔλλειψις, τό δ' ὑπερβολή – καὶ ἀλλήλοις ἀντίκεινται.²⁰

Τριῶν δὴ διαθέσεων οὓσων, δύο μὲν κακιῶν, τῆς μὲν καθ' ὑπερβολὴν τῆς δὲ κατ' ἔλλειψιν, μίας δ' ἀρετῆς τῆς μεσότητος, πάσαι πάσαις ἀντίκεινταιί πως· αἱ μὲν γὰρ ἄκρα καὶ τῇ μέσῃ καὶ ἀλλήλαις ἐναντία εἰσίν, ἡ δὲ μέσῃ ταῖς ἄκραις.

Or, when Blemmydes talks about the proper function of man, τὸ τοῦ ἀνθρώπου ἔργον, the underlying source of inspiration undoubtedly is Aristotle's corresponding passage in the first book of the *Ethica Nicomachea*.²¹ Or the same can be said about Blemmydes' statements on ἐγκράτεια (*self-control*) and its relation with σωφροσύνη (*temperance*).²² Yet, such passages do not seem to be a patchwork of sentences of other authors, but rather Blemmydes' own phrasing. One could e.g. argue that Blemmydes might have been inspired by Eustratius of Nicaea, when he discusses the four virtues of the body, εὐαισθησία (*keen perception*), ὥμη (*strength*),

¹⁹ See Lackner 1972, p. 164.

²⁰ Translation: *And a like opposition goes for this and every virtue. For, the vices that are at both sides of the mean, are opposed as vices to the virtue, and as extremes to the mean. And due to their so great mutual distance – as one being defect and the other excess –, they are also opposed to one another.*

²¹ Nicephorus Blemmydes, *De virtute*, ed. Gielen, l. 89–123 ≈ Aristoteles, *EN*, ed. Bywater, 1097b, 24 – 1098a, 18.

²² Nicephorus Blemmydes, *De virtute*, ed. Gielen, l. 312–319 ≈ Aristoteles, *EN*, ed. Bywater, 1151b, 33 – 1152a, 3.

κάλλος (*beauty*) and ὑγίεια (*health*), each of which can be linked to one of the four cardinal virtues, φρόνησις (*prudence*), ἀνδρεία (*courage*), σωφροσύνη (*temperance*) and δικαιοσύνη (*justice*):

NIC. BLEMM., *De virtute*,
ed. Gielen, l. 435–444

EUSTR., *In EN VI*, ed. Heylbut,
p. 20, l. 33 – p. 21, l. 4

Τεσσάρων δ' οὐσῶν ἐν ψυχῇ γενικῶν ἀρετῶν, εἶναι λέγονται καὶ σῶματι τέσσαρες. Ὡς πρὸς φρόνησιν εὐαισθησία, γνώσις εὐέχουσα καὶ αὐτῇ, πάσης ἐν σῶματι προεξάρχουσα πράξεως. Ὡς πρὸς ἀνδρείαν ῥώμη τοῦς σωματικούς πόνους εὐμαρῶς ὑποφέρουσα. Ὡς πρὸς σωφροσύνην κάλλος τῶν ὅλων μορίων τοῦ σώματος τὸ σῶον ἐχόντων καὶ ἄριστον κατὰ τε μέγεθος καὶ σχῆμα καὶ χροιάν καὶ τὴν πρὸς ἄλληλα σύνθεσιν. Ὡς πρὸς δικαιοσύνην ὑγίεια, ὅτε δὴ τὸ ἀνάλογον ἐκάστῳ τῶν χυμῶν ἐν τῇ κρᾷσει διαφυλάττοιτο.²³

ὥς γὰρ ἐν τῇ ψυχῇ τέσσαρες αἱ γενικαὶ ἀρεταί, φρόνησις ἀνδρεία σωφροσύνη δικαιοσύνη, οὕτως ἐν τῷ σῶματι ταῦτα τέτταρα, εὐαισθησία ἰσχὺς κάλλος ὑγίεια, ἢ μὲν φρονήσει ἀναλογούσα, ὥς γνώσις τις οὐσα ἐν ζῶον θεωρουμένη σῶματι, ἢ δὲ τῇ ἀνδρείᾳ, ὥς καρτερικὸν τὸ σῶμα ποιοῦσα καὶ φερέπονον, τὸ δὲ τῇ σωφροσύνῃ, ὥς τὸ σύμμετρον παριστῶν ἐν μεγέθει καὶ συνθέσει πρὸς ἄλληλα τῶν μορίων τοῦ σώματος, ἢ δὲ τῇ δικαιοσύνῃ, ὥς ἐν τῇ κρᾷσει τῶν χυμῶν τὴν κατὰ φύσιν ἀναλογίαν φυλάττουσα.

Yet this is certainly no ‘blind’, verbal copy of the 12th-century commentator. The same could be said about Blemmydes’ scheme of the different kinds of virtues in the concluding part of his *De virtute*.²⁴ Here he distinguishes the political virtues, ἀνθρώπου [...] ἀρεταὶ τοῦ ἐκ ψυχῆς συντεθειμένου καὶ σώματος (*the virtues of man composed out of soul and body*),²⁵ from the purifying, intellectual and theurgic virtues, and elaborates further on the characteristics and differences of each of these (e.g. the equation of, on the one hand, political virtue and the Aristotelian virtue of μετριοπάθεια [*moderation of the passions*], and, on the other, of purifying virtue and the Stoic virtue of ἀπάθεια [*impassibility*]). The reader might re-

²³ Translation: *Since there are four cardinal virtues in the soul, there are also, they say, four virtues in the body, i.e.: to prudence corresponds keen perception, this also being good knowledge and the ruling principle of every action of the body; to courage strength, i.e. to endure the bodily pains easily; to temperance beauty of all parts of the body, as being sound and excellent with regard to stature, shape, complexion and their mutual composition; and to justice corresponds health, when, indeed, the just proportion of each of the humors in the mixture would be maintained.*

²⁴ Nicephorus Blemmydes, *De virtute*, ed. Gielen, l. 648–729.

²⁵ Nicephorus Blemmydes, *De virtute*, ed. Gielen, l. 657–659.

call similar passages in Michael Psellus (11th century) and Eustratius – that is to say, similar with regard to content and reasoning, i.e. the combination of Aristotelian and (Neo)Platonic concepts of and theories on virtue;²⁶ the phrasing is all Blemmydes’.

2. Content

Not only Blemmydes’ (lack of) use of other authors makes his *De virtute* an unlikely commentary or paraphrase of Aristotle’s *Ethica*. Also the content proves different.

If Blemmydes’ aim had been to clarify Aristotle’s thought, so as to instruct his readers in the whole field of the philosopher’s ethics, without obliging them to read the genuine Aristotelian text as well, he would have stuck more specifically to the content of the *Ethica Nicomachea* alone, such as e.g. George Pachymeres (13th–14th century) did in his paraphrase of the *Ethica Nicomachea*.²⁷ Yet he did not.

Already the introductory paragraphs make clear that his focus is different, by explaining that man has been created *κατ’ εἰκόνα* (after the likeness) of God – a reference to *Gen.* 1, 26, because *ὁμοιοῦσθαι τῷ Θεῷ κατὰ τὸ δυνατόν πεφυκυῖα διὰ τῶν ἀρετῶν* (he is disposed to resemble God as far as possible by means of the virtues).²⁸ Somewhat further, prayer is presented as *προηγούμενον αἴτιον παντὸς κατορθώματος* (the principle cause of any virtuous action).²⁹

Moreover, a considerable part of Blemmydes’ *De virtute* is devoted to non-Aristotelian topics – elements that clearly reveal the Christian origin and scope of the treatise. For instance, according to Blemmydes, the ultimate example of

τὸ κατ’ ὀρθὸν λόγον ἐνεργεῖν προαιρέσει τὸ ἀγαθόν, δι’ αὐτὸ δὴ τὰ τὸ ἀγαθόν, μὴ πλημμελῶς, μὴ κατ’ ἀνάγκην, μὴ διὰ τιμὴν, μὴ δι’ ἔπαινον (executing the good out of choice according to right

²⁶ For example, Michael Psellus, *De omnifaria doctrina*, ed. Westerink, 66–75; Eustratius Nicaeensis, *In Ethica Nicomachea I commentaria*, ed. Heylbut, p. 109, l. 18 – p. 110, l. 4. On their shared views on virtue, see Papamanolakis 2007.

²⁷ Georgius Pachymeres, *Philosophia. Liber XI. Ethica Nicomachea*, ed. Oikonomakos.

²⁸ Nicephorus Blemmydes, *De virtute*, ed. Gielen, l. 25–26.

²⁹ Nicephorus Blemmydes, *De virtute*, ed. Gielen, l. 64–65.

reason, because of the very good itself, without sin, not out of necessity, nor for the sake of honor or praise),³⁰

are the deeds of martyrs, whom Blemmydes describes as follows:

οἱ τῆς εὐσεβείας ἀγωνισταὶ πολυτρόποις ιδέαις ὕβρεων κυκλούμενοι καὶ κολάσεων, ταῖς ἀτιμίαις ἐστέφοντο, ταῖς βασάνοις ἐνετρύφων, καὶ ὡς κακοῦργοι πικρῶς ἀναιρούμενοι σὺν ἀνεκλαλήτῳ χαρᾷ τῆς παρουσίας ζωῆς μεθίσταντο (*although surrounded by all sorts of outrages and punishments, piety's champions were crowned by the indignities, delighted in the tortures, and, harshly killed like criminals, departed from this life with unspeakable joy*).³¹

Yet most notable are the numerous concrete instructions concerning food, clothing and correct behavior in general which Blemmydes inserts in his *De virtute*. They are often based on a Bible quotation, such as τὸ μὴ ὀμνύειν ὅλως (*to not swear at all*),³² which is taken from *Matth.* 5, 34; the interdiction to lie, with a reference to *Ps.* 5, 7, stating that ἀπολεῖς πάντας τοὺς λαλοῦντας τὸ ψεῦδος (*you will destroy all those who speak the lie*);³³ or a condemnation of slanderers, since – reference to *Ps.* 100, 5 – τὸν καταλαλοῦντα λάθρα τῶν πλήσιον αὐτοῦ τοῦτον ἐξεδίωκον (*the one who was secretly slandering his fellow, him I would chase away*).³⁴ Certainly, these rules would not be amiss in a *typikon*, being a set of rules for the monks of a particular monastery.³⁵ Also Blemmydes founded his own monastery close to Ephesus, and thus also wrote a *typikon*.³⁶ Some of the precepts in the *De virtute* can be easily linked to the surviving fragments of this *typikon*. In his ethical treatise, Blemmydes declares e.g. that

παιδαγωγητέον τὴν αἴσθησιν καὶ πρῶτον τὴν ὄρασιν, ὥστε τοὺς ἀρχομένους, ἥδη δὲ καὶ τοὺς προϊόντας εἰς ἀρετὴν μὴ ἀναιδῶς εἰς πρόσωπα καθορᾶν

³⁰ Nicephorus Blemmydes, *De virtute*, ed. Gielen, l. 411–413.

³¹ Nicephorus Blemmydes, *De virtute*, ed. Gielen, l. 413–417.

³² Nicephorus Blemmydes, *De virtute*, ed. Gielen, l. 476.

³³ Nicephorus Blemmydes, *De virtute*, ed. Gielen, l. 471.

³⁴ Nicephorus Blemmydes, *De virtute*, ed. Gielen, l. 474–475.

³⁵ See Galatariotou 1987.

³⁶ Heisenberg 1896, p. 93–99; Munitiz 1984, p. xxx–xxxi; Munitiz 1986.

sense perception is to be instructed, and in the first place sight, so that those who just start their quest for virtue as well as those already advanced do not shamelessly stare at someone's face.³⁷

The 9th chapter of Blemmydes' *typikon* contains the very similar statement that candidates for the monastic life *χρη* [...] *ἀνάγεσθαι* [...] *βλέμματι* (*should be educated to practice self-discipline in [...] the custody of the eyes*).³⁸ Or, Blemmydes' plea in the *De virtute* for *εὐνή σκληρά, τροφῆς ἔνδεια* (*a hard bed, lack of food*) and *βραχύτης ὕπνου* (*limited sleep*), which *χαλινούντα τὸ ταύτης φρύαγμα καὶ τὴν ἄλογον φορὰν ἀναστέλλοντα* (*bridle the wantonness of the flesh and restrain its irrational impulse*),³⁹ recalls his claim in the *typikon* that the candidates for the monastic life who were trained by him were *κρείττους γαστρὸς καὶ λαιμοῦ, χαμαιεύνεις, σκληροκοῖται, πάσης σαρκικῆς θεραπείας ὑπέρτεροι* (*masters of their hunger and appetite, accustomed to sleep on the ground or on hard beds superior to all pampering of the flesh*).⁴⁰

Moreover, every now and then, Blemmydes explicitly refers to monks leading an ascetic life, by stating that

ῥόδων, ὠκίμων, μύρων καὶ τῶν ὁμοίων οὐ προσιτέον τὰς εὐωδίας· περιττὰ γὰρ τὰ τοιαῦτα καὶ ὀρέξεως ἀλόγου προκλητικὰ καὶ τοῖς ἀποταξαμένοις ἀνοίκεια καὶ καταγνώσεως ἄξια

the fragrances of roses, basil, perfumes and the like are not to be pursued, since such things, which challenge the irrational appetite, are inconsistent with those who have renounced the world, and deserve to be condemned,⁴¹

or that

εὐτραπέλεια καὶ γελοιασμοὶ τῆς ἀσκητικῆς ἀπεληλάσθωσαν κοσμότητος· ταῦτα γὰρ παίζοντων καὶ παιζομένων, ἀλλ' οὐ σπουδαζόντων ἐπιτηδεύματα

³⁷ Nicephorus Blemmydes, *De virtute*, ed. Gielen, l. 459–461.

³⁸ Nicephorus Blemmydes, *Typikon*, ed. Heisenberg, p. 94, l. 4. The English translations of the fragments of Blemmydes' *typikon* are taken from Munitiz 2000.

³⁹ Nicephorus Blemmydes, *De virtute*, ed. Gielen, l. 506–509.

⁴⁰ Nicephorus Blemmydes, *Typikon*, ed. Heisenberg, p. 94, l. 28–30.

⁴¹ Nicephorus Blemmydes, *De virtute*, ed. Gielen, l. 481–484.

coarse jokes and jests be driven away from ascetic propriety, as these are common practice of those who joke and are joked in return, but not of earnest people⁴²

— a precept which, moreover, might be seen as a reference to *Eph.* 5, 4, which states that *καὶ αἰσχροῦτης καὶ μωρολογίας ἢ εὐτραπέλεια, ἃ οὐκ ἀνήκεν, ἀλλὰ μᾶλλον εὐχαριστία* (*neither are proper vulgar speech, foolish talk or coarse jesting, but rather thanksgivings*). It might as well be interesting to note that a same interdiction of jests can be found in *Epistula* 22 of Basil of Caesarea, entitled *Περὶ τελειότητος βίου μοναχῶν* (*On perfection of monks' lives*), i.e. *Ὅτι οὐ δεῖ εὐτράπελα φθέγγεσθαι. Ὅτι οὐ δεῖ γελάειν, οὐδὲ γελοιασῶν ἀνέχεσθαι* (*one should not utter jests. One should not laugh or tolerate jesters*).⁴³

Yet another reference to ascetics is the statement that *τὸ μὲν εὐτελὲς ἐν ἀμφίοις καὶ ὑποδήμασι τῷ ἀσκητῇ καὶ ἀσκηταῖς συνδι-ἀγοντι προεπωδέστατον* (*simplicity in both clothing and footwear is the most suitable to the ascetic and one living among ascetics*).⁴⁴

All these examples make clear that Blemmydes' text was meant for monks leading an ascetic life, not for those who wanted to understand the ideas of Aristotle's philosophy, in particular his ethics. As opposed to e.g. Michael of Ephesus (11th-12th century), who in his commentary on the 9th and 10th book of the *Ethica Nicomachea* did not allow Christian values to interfere with his explication of Aristotle's virtues and vices,⁴⁵ or George Pachymeres, already mentioned, whose paraphrase of Aristotle's *Ethica Nicomachea* heavily depends on the original text, as if it were written by Aristotle himself, such Christian, ascetical ideas exactly form the starting point of Blemmydes' discussion of ethics, and the

⁴² Nicephorus Blemmydes, *De virtute*, ed. Gielen, l. 477-480.

⁴³ Basilius Caesariensis, *Epistulae*, ed. Courtonne, *Ep.* 22, 1, 30-31. Another correspondence between Blemmydes' precepts for monks and Basile's letter is their clothing rules: Nicephorus Blemmydes, *De virtute*, ed. Gielen, l. 494-496: *Διόπερ οὐδὲ τῶν ἐνδυμάτων ἐπιλεκτέον τὰ μαλακὰ καὶ τὴν χροῖαν ἀνθηρὰ τε καὶ στύλβοντα: φιλοκοσμίας τοῦτο καὶ ματαιότητος* (*one must not select soft clothes with bright and radiant colors; they are a sign of ostentation and vanity*) & Basilius Caesariensis, ed. Courtonne, *Ep.* 22, 2, 15-16: *Ὅτι οὐ δεῖ καλλωπίζεσθαι ἐν ἱματίοις ἢ ὑποδήμασιν, ὅπερ ἐστὶ περπερία* (*one should not be ostentatious in clothing or sandals, as this is idle boasting*).

⁴⁴ Nicephorus Blemmydes, *De virtute*, ed. Gielen, l. 501-503.

⁴⁵ See Kaldellis 2009, p. 38.

Aristotelian ideas on and definitions of virtues are, so it seems, simply confirmed by life; they are taken as a fact, need no further explanation. Thus, central point of Blemmydes' *De virtute* is not Aristotelian learning as being learning, or theories, of Aristotle, but the direct, actual use of ancient concepts on ethics, and this in an ascetical framework.

The latter element is also confirmed by Blemmydes himself at the very beginning of the *De virtute*. His intended audience or readers are monks:

Ἦδη τῇ πρώτῃ καὶ δευτέραν ὑμῖν ὑπόμνησιν προσεκτίθημι τοῖς κληρονόμοις τῆς ὄντως ζωῆς, ὡς πάσης ἀπερρηγμένοις θνητότητος, ἀφωσιωμένοις δὲ τῷ ὄντι διὰ τοῦ τὰ μὴ ὄντα πάντα καταλιπεῖν, ἀποστήναι τε τῆς ὅλης ὀλοτελῶς ματαιότητος.

In addition to the first, I also compose a second reminder for you, the heirs of true life, who have torn yourselves away from every mortality and who are satisfied with what is by leaving aside everything that is not and by completely keeping far from complete vanity.⁴⁶

What is more, he addresses specifically the monks of his own monastery, which was called τοῦ Κυρίου Χριστοῦ τοῦ ὄντος (*of the Lord Christ Who Is*). The verbal reference to this name with the adverb ὄντως is clear.⁴⁷

Similar indications can be found in the introductory lines of the related treatises *De fide* and *De anima*. As regards the former work, its first sentence, τοῖς ὁσίοις τοῦ Δεσπότης Χριστοῦ τοῦ ὄντος, καὶ ἐκλεκτοῖς φοιτηταῖς ὁ [...] κτήτωρ τοῦ καθ' ὑμᾶς ἱεροῦ φροντιστηρίου, Νικηφόρος (*for the holy men of the Lord Christ Who Is and the chosen disciples, I, who am the founder of your sacred monastery*),⁴⁸ clearly contains a reference to the name of Blemmydes' monastery and its residents. In the *De anima*, there is no such direct reference to the monastery's name, but still Blemmydes states that he was asked to write about the soul by οἱ μεθ' ἡμῶν (*those who are with us*), i.e. monks.⁴⁹

⁴⁶ Nicephorus Blemmydes, *De virtute*, ed. Gielen, l. 2-6.

⁴⁷ I should thank father Joseph Munitiz for having pointed out this link to me.

⁴⁸ Nicephorus Blemmydes, *De fide*, ed. Stavrou (2013), l. 1-3.

⁴⁹ Nicephorus Blemmydes, *De anima*, ed. Verhelst, p. 1, l. 2-3.

3. *Textual transmission*

Also a closer look at the textual transmission can help to discover the true nature of Blemmydes' *De virtute*. Evidence, indeed, offered by the manuscripts points at an original belonging of this text to Blemmydes' *typikon*.

Unfortunately, the foundation document of Blemmydes' monastery has not come down to us in its entirety. Only a few fragments survive, informing us on the liturgical duties of the monks, food restrictions and clothing rules.⁵⁰ Yet, besides these excerpts, there are the treatises *De fide*, *De virtute* and *De anima*. All of these enjoyed an independent circulation. There are e.g. several manuscript witnesses in which the *De fide* has been transmitted on its own, among other purely theological writings, such as the *Expositio Fidei* of John of Damascus (7th–8th century).⁵¹ However, the most important manuscripts, not in the least MS Oxford Bodl. Holkham gr. 71 (late 13th century), which appears to have been copied from an autograph copy of Blemmydes himself,⁵² show the expression ἐκ τοῦ τυπικοῦ (*from the typikon*) in the respective titles of the treatises. These are numbered respectively α', β' and γ', thus being represented as the first, second and third chapter of the *typikon*. This once more proves the specific character of Blemmydes' *De virtute*: a scholarly understanding of Aristotle's theories was not to be part of a *typikon*, nor was seen as mandatory reading for an average monk. Blemmydes' objectives with his *De virtute* were other.

Maybe precisely the fact of its being such a specific text – so to say, almost a kind of manual of Aristotelian ethics for monks – could explain why the *De virtute* did not sink into oblivion, whereas most other chapters of the original *typikon* of Blemmydes did not survive. Shortly after the death of the founder, Blemmydes' monastery was reduced to the rank of μετόχιον (*appendage*) to the greater Galesion monastery nearby.⁵³ As such, its foundation document was no longer of any value, and most likely

⁵⁰ Cf. *supra*, n. 36.

⁵¹ Examples are MSS Escorial Y.III.19 (gr. 289), dated to 1359–1360, and Par. gr. 1121, from the 14th century.

⁵² See Munitiz 1984, p. XIII. A description of the whole manuscript can be found in Barbour 1960, p. 605; Verhelst 1976, p. 69–75; Munitiz 1984, p. XI–XVIII.

⁵³ See e.g. Janin 1975, p. 247–248.

disappeared for the largest part along with the site of the monastery. An ethical account, however, as was the *De virtute*, could also interest people other than the monks of Blemmydes' monastery, which most likely explains its independent circulation. On the other hand, its emphasis on its usefulness for monks and ascetics, instead of presenting itself as e.g. a commentary or paraphrase of Aristotle's *Ethica*, might explain its rather limited transmission (ten manuscripts),⁵⁴ especially when one compares its manuscript tradition with the enormous popularity of two other works of the same author, i.e. Blemmydes' *Epitome logica* and *Epitome physica*, which seem to have been transmitted, in whole or in part, in at least 93 manuscripts.⁵⁵ Relying on the information offered by Blemmydes himself, they were written at the instigation of emperor John Vatatzes (1222–1254), so as to have books for purposes of higher education at hand.⁵⁶ Throughout the ages, they were seen as practical handbooks, not of a moral education specifically for monks, but a useful overview of what a young student, layman and clergyman alike, was to know about logic and physics.

Nonetheless, despite this limited amount of manuscript witnesses, Blemmydes' *De virtute* remains an unusual, interesting example of the tradition and diffusion of Aristotle's highly popular *Ethica*. Combining highly sophisticated sources, like Aristotle's own text and Eustratius' commentary, with humble instructions for an ascetic's life, he created not a slavish imitation of a master piece, but a useful – though, admittedly, for a rather limited audience –, but more importantly, an up-to-date (to his own time) meticulous piece of work.

⁵⁴ On the manuscript tradition of the *De virtute*, see the introduction of my forthcoming edition of this text.

⁵⁵ See Lackner 1972, p. 160. Both works have only been edited in the *Patrologia Graeca*: Nicephorus Blemmydes, *Epitome logica*, PG 142, col. 675–1004; Nicephorus Blemmydes, *Epitome physica*, PG 142, col. 1006–1320.

⁵⁶ Nicephorus Blemmydes, *Epitome logica*, PG 142, cols. 688, l. 1 – 689, l. 4: 'Ἐπειδήπερ ἡ λογικὴ ἐπιστήμη πρὸς τὴν Ἱερὰν Γραφὴν καὶ πάντας τοὺς τῆς ἀληθείας λόγους οὐκ ὀλίγον φέρει τὸ χρήσιμον· δεόν ἐκρίναμεν τοῖς τοῦ λόγου φοιτηταῖς τοῦ ὄντος καὶ τῆς ἀληθείας μύσταις μικροὺς τινας ἐν ταύτῃ λογικῇ λιπεῖν ἡμετέρους ὑπομνηματισμούς, οὓς αἰτησαμένῳ βασιλεῖ, νέοι ἔτι ὄντες καὶ πρὸς φιλοσοφίαν εἰσαγωγικοὶ καὶ ἀνεπιστήμονες (ὅποιοι καὶ εἰς τὸ ἐξῆς ἐκ τῆς συντροφῆς ῥαθυμίας καὶ ῥυπαρίας διεμείναμεν) ἐκδεδώκαμεν, οὕτω προοιμασάμενοι. See also Constantinides 1982, p. 12.

Bibliography

- Anonymus, *In Ethica Nicomachea paraphrasis*, ed. G. Heylbut, Berlin: Reimer, 1889 (Commentaria In Aristotelem Graeca, 19, 2).
- Aristoteles, *Ethica Nicomachea (EN)*, ed. I. Bywater, Oxford: Oxford University Press, 1894 (Scriptorum Classicorum Bibliotheca Oxoniensis).
- R. Barbour (1960), 'Summary Description of the Greek Manuscripts from the Library at Holkham Hall', in *The Bodleian Library Record*, 6, 5, p. 591-613.
- Basilius Caesariensis, *Epistulae*, ed. Y. Courtonne, Paris: Les Belles Lettres, 1957 (Collection des Universités de France).
- L.G. Benakis (1995), 'Η Αριστοτελική Ήθική στο Βυζάντιο', in D.N. Koutras (ed.), 'Η Αριστοτελική Ήθική και οι επιδράσεις της, Athens: Συνέδριο, p. 252-259.
- C.N. Constantinides (1982), *Higher Education in Byzantium in the Thirteenth and Early Fourteenth Centuries (1204-ca. 1310)*, Nicosia: Cyprus Research Centre (Texts and Studies of the History of Cyprus, 11).
- Eustratius Nicaeensis, *In Ethica Nicomachea I commentaria*, ed. G. Heylbut, Berlin: Reimer, 1892 (Commentaria in Aristotelem Graeca, 20).
- Eustratius Nicaeensis, *In Ethica Nicomachea VI commentaria*, ed. G. Heylbut, Berlin: Reimer, 1892 (Commentaria In Aristotelem Graeca, 20).
- C. Galatariotou (1987), 'Byzantine Ktitorika Typika: a Comparative Study', in *Revue des Études Byzantines*, 45, p. 77-138.
- Georgius Pachymeres, *Philosophia. Liber XI. Ethica Nicomachea*, ed. K. Oikonomakos, Athens: Academia Atheniensis Institutum Litteris Graecis et Latinis Studiis Destinatum, 2005 (Corpus Philosophorum Medii Aevi. Commentaria in Aristotelem Byzantina).
- V. Grumel (1929), 'Nicéphore Blemmyde et la procession du Saint-Esprit', in *Revue des Sciences Philosophiques et Théologiques*, 18, p. 636-656.
- A. Heisenberg, *Nicephori Blemmydae curriculum vitae et carmina*, Leipzig: Teubner, 1896.
- R. Janin (1975), *Les églises et les monastères des grands centres byzantins (Bithynie, Hellespont, Latros, Galèsios, Trébizonde, Athènes, Thessalonique)*, Paris: Institut Français d'Études Byzantines (Géographie Ecclésiastique de l'Empire Byzantin).
- A. Kaldellis (2009), 'Classical Scholarship in Twelfth-Century Byzantium', in Ch. Barber & D. Jenkins (eds.), *Medieval Greek Commentaries on the Nicomachean Ethics*, Leiden – Boston: Brill (Studien und Texte zur Geistesgeschichte des Mittelalters, 101), p. 1-43.

- W. Lackner (1972), 'Zum Lehrbuch der Physik des Nikephoros Blemmydes', in *Byzantinische Forschungen*, 4, p. 157-169.
- J. Munitiz, *Nicephori Blemmydae autobiographia sive curriculum vitae necnon epistula universalior*, Turnhout – Leuven: Brepols Publishers, 1984 (Corpus Christianorum Series Graeca, 13).
- J. Munitiz (1986), 'A Missing Chapter from the Typikon of Nikephoros Blemmydes', in *Revue des Etudes Byzantines*, 44, p. 199-207.
- J. Munitiz (2000), 'Typikon of Nikephoros Blemmydes for the Monastery of the Lord Christ-Who-Is at Ematha near Ephesos', in J. Thomas & A.H. Constantinides (eds.), *Byzantine Monastic Foundation Documents. A Complete Translation of the Surviving Founders' Typika and Testaments*, Washington, D.C.: Dumbarton Oaks Research Library and Collection (Dumbarton Oaks Papers, 35), p. 1196-1206.
- A. Papamanolakis (2007), 'L'échelle néoplatonicienne des vertus chez Psellus et chez Eustrate de Nicée', in C. D'Ancona (ed.), *The Libraries of the Neoplatonists. Proceedings of the Meeting of the European Science Foundation Network "Late Antiquity and Arabic Thought. Patterns in the Constitution of European Culture" held in Strasbourg, March 12-14, 2004*, Leiden – Boston: Brill (Philosophia Antiqua. A Series on the Studies of Ancient Philosophy, 107), p. 231-242.
- Michael Psellus, *De omnifaria doctrina*, ed. L.G. Westerink, Nijmegen: Centrale Drukkerij, 1948.
- Nicephorus Blemmydes, *De virtute et ascesi*, ed. E. Gielen, Turnhout: Brepols Publishers, forthcoming (Corpus Christianorum. Series Graeca, 80).
- D. Nicol (1968), 'A Paraphrase of the *Nicomachean Ethics* Attributed to the Emperor John VI Cantacuzene', in *Byzantinoslavica*, 29, p. 1-16.
- Sophonias, *In Aristotelis libros de anima paraphrasis*, ed. M. Huyduck, Berlin: Reimer (Commentaria in Aristotelem Graeca, 23, 1).
- M. Stavrou (éd., 2007), *Nicéphore Blemmydès. Œuvres théologiques. Tome 1. Introduction, texte critique, traduction et notes*, Paris: Les Éditions du Cerf (Sources Chrétiennes, 517).
- M. Stavrou (éd., 2013), *Nicéphore Blemmydès. Œuvres théologiques. Tome 2. Introduction, texte critique, traduction et notes*, Paris: Les Éditions du Cerf (Sources Chrétiennes, 558).
- M. Verhelst, 'Le *Traité de l'âme* de Nicéphore Blemmyde. Histoire du texte, édition critique, traduction et analyse du contenu doctrinal' (unpublished doctoral thesis, Université Catholique de Louvain, 1976), 2 vols., vol. 1.
- A. Wartelle (1963), *Inventaire des manuscrits grecs d'Aristote et de ses commentateurs*, Paris: Les Belles Lettres (Collection d'Études Anciennes).

SECTION 4

THE SOURCES OF HISTORY

MICHELE BANDINI

Potenza

L'USO DELLE FONTI IN SEDE DI *RECENSIO*: LA CIROPEDIA DI ZONARA (*EPIT.* III 15-26)

L'*Epitome historiarum* di Giovanni Zonara¹ è stata trasmessa in un cospicuo numero di manoscritti: 53 sono i codici datati o databili tra XII e XV secolo², ai quali se ne aggiungono una ventina del XVI secolo e altri ancor più recenti. Vista l'ampiezza della tradizione, limiterò la mia analisi, almeno provvisoriamente, ai codici anteriori al XVI secolo; le probabilità che tra i codici del XVI secolo o posteriori sia rappresentato un filone tradizionale ignoto alla precedente tradizione sono, credo, assai scarse.

La suddivisione dell'opera in 18 libri e relativi capitoli fu introdotta dal Du Cange. Il testo ci si presenta invece suddiviso originariamente in due sole parti: una prima parte contenente la storia ebraica, greca e romana monarchica e repubblicana (corrispondente, secondo la nostra suddivisione moderna, ai libri I-IX), e una seconda con la storia romana imperiale e bizantina, da Augusto ad Alessio I Comneno (corrispondente ai nostri libri X-XVIII)³. La tradizione manoscritta riflette questa strutturazione interna, presentandoci ora l'opera completa, ora una trasmis-

¹ Per un recente orientamento bibliografico su Zonara vd. la voce Ζωναράς, Ἰωάννης, in *Repertorium fontium historiae Medii Aevi* 2007, p. 539-541.

² 54 se comprendiamo nel novero i due fogli provenienti da un codice del sec. XIII contenuti nel manoscritto di Venezia, Biblioteca Nazionale Marciana, Marc. Lat. XIV 232 (coll. 4257): vd. Wilson 1995.

³ Non mancano, tuttavia, in alcuni codici bizantini, all'interno delle due parti maggiori, ulteriori ripartizioni del testo. Nel Par. gr. 1715, ad es., varie sezioni testuali sono segnalate da cornici rubricate che si estendono per tutta la larghezza della pagina, contenenti a volte, al centro, un titolo. Anche la parte del lib. III che è oggetto specifico di questo mio contributo è delimitata in tal modo, da due

sione in due tomi; una dozzina di testimoni reca invece estratti. La trasmissione in due tomi rispetta perlopiù, ma non sempre, la bipartizione originaria, con un primo tomo contenente i libri I-IX e un secondo con i libri X-XVIII; accanto ad essa ne è attestata una seconda, con un tomo contenente i libri I-XII (fino a Massimino) e un secondo tomo con i libri XIII-XVIII (da Costantino); in due manoscritti, infine, la narrazione inizia con Diocleziano, al cap. 31 del XII libro. Appare evidente il maggior interesse dei lettori per la seconda parte dell'opera: quello che, nelle intenzioni dell'autore, era il primo tomo (con i libri I-IX) ci è conservato autonomamente in un solo codice, il Marc. gr. 401 (coll. 898); l'originario secondo tomo, invece (libri X-XVIII), ci è giunto autonomamente in 14 testimoni⁴. Equilibrate, invece, le sorti dell'altra suddivisione (libri I-XII e XIII-XVIII), con due testimoni per ciascun tomo. Solo l'analisi paleografica e codicologica consentirà di riconoscere l'eventuale appartenenza di due manoscritti ad un'unica iniziativa libraria, e di ricollocare idealmente l'uno a fianco dell'altro i due tomi di un unico Zonara, usciti da uno stesso *atelier*. Questa indagine è ancora tutta da fare.

Nella cultura occidentale l'interesse per la storiografia bizantina appartiene, com'è noto, al Rinascimento maturo. Per la stampa del testo greco di Zonara, e la prima traduzione latina integrale, si dovette attendere il 1557, anno in cui vide la luce a Basilea l'*editio princeps* greco-latina curata da Hieronymus Wolf⁵. Di poco successivo è il primo volgarizzamento integrale, opera di Marco Emilio Fiorentino, uscito a Venezia nel 1560⁶. Ma la grande diffusione dell'*Epitome* nel mondo bizantino fa sì che anche alla cultura occidentale l'opera di Zonara giunga, per via indiretta, assai presto: piace ricordare, in questo convegno madrileno, che la prima opera storiografica occidentale a fare ampio uso di Zonara è l'aragonese *Grant Crónica de los conquiridores*, commissionata da Juan Fernández de Heredia e terminata nel 1385⁷. Che l'Opori-

cornici (prive di titolo) ai ff. 76r e 87v. Del Par. gr. 1715 si veda l'ottima descrizione di Ph. Hoffmann in Géhin 1989, n° 22, p. 56-57, pl. 57-58.

⁴ Non è esatto quanto ha scritto Beck 1961, p. 440 'Von den Handschriften, welche nur einen Teil enthalten, befaßt sich die weitaus überwiegende Anzahl mit der vorbyzantinischen Geschichte'.

⁵ Wolf 1557.

⁶ Fiorentino 1560.

⁷ Cf. Álvarez Rodríguez 2006; Gerland 1934, p. 25; Pertusi 2004, p. 11 e n.

nus, negli anni immediatamente successivi all'*editio princeps*, fosse interessato ad una seconda edizione di Zonara, è attestato da una lettera del 1561 di Michele Sofianòs al Camerarius⁸; ma non se ne fece di nulla, e per un nuovo testo greco di Zonara si dovette aspettare il secolo di Luigi XIV, con l'edizione del Du Cange nel *corpus Parisinum*⁹. L'Ottocento vede l'edizione nel *Corpus Scriptorum Historiae Byzantinae*, in 3 volumi: tra i primi due, con i libri I-XII, curati da Moritz Pinder e pubblicati nel 1841 e 1844, e il terzo (libri XIII-XVIII), curato da Theodor Büttner-Wobst e uscito nel 1897¹⁰, vide la luce l'edizione teubneriana di Ludwig August Dindorf, in 6 volumi¹¹.

Che il Wolf, dal 1551 bibliotecario dei Fugger ad Augsburg, si fosse avvalso in larga misura per la sua edizione di codici appartenenti a quella raccolta, era facilmente prevedibile; è tuttavia merito del Büttner-Wobst aver chiarito, in uno studio del 1892¹², le fonti dell'*editio princeps*. Per la *praefatio* e i libri I-IX il Wolf fondò il suo testo sull'attuale Monacense greco 324, del XIII secolo, e sul Vindob. Hist. Gr. 16, della seconda metà del XIV secolo¹³. Il Monac. gr. 324 era stato acquistato a Costantinopoli per conto di Anton Fugger soltanto tre anni prima, nel 1554. Possiamo osservare, in proposito, che una parte significativa delle nostre fonti dell'*Epitome* è giunta tardi nell'Europa occidentale: un altro codice Monacense, gr. 325, del sec. XIV, fu acquistato a Costantinopoli nello stesso anno del Monac. gr. 324, come anche il Vat. Pal. gr. 271; solo pochi anni prima, nel 1551, il card. Sirleto aveva acquistato dal letterato corfiota Antonio Eparchos l'attuale Vat. gr. 981; i tre Ambrosiani C 279 inf., Q 92 sup. e G 73 sup.

21. Tra le presenze di Zonara in Occidente anteriormente all'*editio princeps* possiamo ricordare anche la sua utilizzazione nel *De Caesaribus libri III* (1516) del veneziano Giovan Battista Cipelli, meglio noto con lo pseudonimo di Egnatius (vd. Pertusi 2004, p. 22-25); la traduzione latina della sezione su Alessandro Magno (*Epit.* IV 8-15) compiuta nel 1517 dal bolognese Angelo Cospo (vd. Pertusi 2004, p. 17); e soprattutto la sua larga presenza nel *De Caesaribus atque imperatoribus Romanis* di Johannes Spiessheimer detto Cuspinianus, uscito postumo nel 1540 (vd. Pertusi 2004, p. 25-29).

⁸ Cf. Meschini 1981, pp. 62-63 e 74.

⁹ Du Cange 1686-1687.

¹⁰ Pinder 1841, Pinder 1844, Büttner-Wobst 1897.

¹¹ Dindorf 1868-1875.

¹² Büttner-Wobst 1892.

¹³ Il codice di Vienna è di mano del copista Ioasaph (RGK 2 A, 286; 3 A, 343). Cf. Harlfinger 1971, p. 253-254.

giunsero a Milano da Chio nel 1606¹⁴; il Paris. gr. 1715, sottoscritto nell'aprile 1289 dal monaco Μώκιος Ταράνης (RGK 2 A, 403), codice ritenuto fondamentale dagli editori ottocenteschi, fu acquistato a Costantinopoli nel 1687, e rimase perciò ignoto anche al Du Cange; addirittura nel 1864, a Ioannina, fu acquistato il codice di Londra, BL, Add. 28828, del sec. XIV. Altre biblioteche umanistiche, tuttavia, quali quella bessarionea, quella pontificia, quella corviniana, la raccolta medicea o quella veneziana di Giorgio Valla, ospitavano codici di Zonara già nella seconda metà del Quattrocento¹⁵.

L'edizione in due volumi del Du Cange è un'opera della vecchiaia del grande erudito, morto l'anno seguente, nel 1688. Egli ha a disposizione cinque codici parigini, sui quali tuttavia si limita a controllare quei passi che nell'edizione del Wolf lo lasciano perplesso: 'Graeca contulimus, maxime in locis qui dubietatem quandam praeferebant, ...'. È questa l'*emendatio ope codicum*, pratica usuale dall'età umanistica fino alla fine del Settecento; un metodo che, come ha scritto Sebastiano Timpanaro, 'finiva col lasciare nel testo un gran numero di piccole corrottele e di *lectiones faciliores* che, bene o male, davano un senso e quindi non suscitavano so-

¹⁴ Essi tuttavia si trovavano in Italia alla metà del Cinquecento, prima di essere ricondotti a Chio alla morte del loro possessore, Michele Sofianòs, avvenuta a Ferrara nell'agosto del 1565; cf. Meschini 1981.

¹⁵ Al Bessarione appartennero i codici Marc. gr. 399 (coll. 782), 400 (coll. 651), 401 (coll. 898), App. Cl. VII 13 (coll. 1301). Tra i codici vaticani, sono riconoscibili con sicurezza negli inventari quattrocenteschi almeno il Vat. gr. 136, già tra i manoscritti greci di Niccolò V (vd. Devreesse 1965, p. 31) e ottenuto in prestito vitalizio nel maggio 1455 dal cardinale Isidoro di Kiev (vd. Devreesse 1965, p. 38), e il Vat. gr. 980 (vd. Devreesse 1965, p. 103). Alla biblioteca corviniana appartenne il manoscritto ora a Vienna, Österreichische Nationalbibliothek, Hist. gr. 16; vd. da ultimo Németh 2011, p. 177, 195–196. Una 'historia Zonare' è presente nell'inventario della libreria medicea privata redatto nel 1495, tra i libri 'qui inventi sunt inter libros domini Angeli Polytiani' (vd. Piccolomini 1874, p. 93); il codice – identificabile con ogni probabilità con l'attuale Laurenziano plut. 70. 4 – dovette essere uno dei 'novorum historicorum multa volumina' portati a Firenze nel 1492 da Giano Lascaris, secondo la lista di Hannover ristudiata alcuni anni fa da Donald F. Jackson (cf. Jackson 1998, p. 84). Che per *novi historici* s'intendano lì gli storici bizantini, e tra questi anche Zonara, è chiarito dall'elenco di *desiderata* affidato da Lorenzo il Magnifico al Lascaris: ιστορικὰ νεωτέρων Ἑλλήνων· τοῦ Ζωναρά· αἱ ιστορίαι, τοῦ μεγάλου λογοθέτου (cioè Giorgio Acropolita) αἱ ιστορίαι, τοῦ Χωνειάτου αἱ ιστορίαι, τοῦ Γρηγορά αἱ ιστορίαι, καὶ εἴ τι ἄλλο νέον ιστορικὸν εὗρεθῇ (vd. Müller 1884, p. 368; Gerland 1934, p. 27). A Giorgio Valla, infine, appartenne il codice di Modena, Biblioteca Estense e universitaria, α. V. 7. 3 (gr. 177).

spetti'¹⁶. È solo a partire dalla fine del Settecento che comincia a farsi strada 'l'esigenza di porre i codici a fondamento perpetuo del testo, invece di limitarsi a collazioni saltuarie'¹⁷.

L'Ottocento è, negli studi filologici, il secolo che vede l'affermarsi della metodologia scientifica della *recensio*. Zonara però non ne beneficia che in misura assai insufficiente: sia il Pinder – i cui interessi, peraltro, erano rivolti originariamente alla numismatica¹⁸ –, sia il Dindorf, sia il Büttner-Wobst restano ancora troppo legati alle precedenti edizioni. Dal punto di vista del metodo, il loro Zonara è gravemente in ritardo rispetto alle esigenze scientifiche nel frattempo maturate; come lo sono, del resto, molte altre edizioni di testi bizantini uscite in quegli anni.

L'edizione di Ludwig Dindorf, priva di apparato, non può neppure esser detta critica; l'unico sussidio critico che offre al lettore sono le collazioni del Monac. gr. 324 e del Paris. gr. 1715, stampate nel V volume. Ma anche l'edizione del *corpus Bonnense* nasce vecchia. Non vi è a monte di essa neppure il tentativo di una *recensio* sistematica, né di una classificazione genealogica della tradizione manoscritta. Si afferma l'importanza primaria del Paris. gr. 1715, che viene contrapposto a tutti gli altri testimoni, indicati come *recentes*, benché alcuni di essi, non datati, siano probabilmente anteriori, e comunque non ne discendano¹⁹. Buone probabilità di essere anteriori al Parisinus hanno, ad esempio, l'Ambros. C 279 inf.²⁰, il Par. gr. 1714, il Vat. gr. 136, il Vat. Palat. gr. 271, databili verso la metà o alla seconda metà del sec. XIII. Certamente anteriori sono due codici bessarionei, il Marc. gr. 400 (coll. 651) e il Marc. gr. 401 (coll. 898): finora datati alla fine

¹⁶ Timpanaro 1981, p. 41.

¹⁷ Timpanaro 1981, p. 40-41.

¹⁸ Cf. Pinder 1834.

¹⁹ Ciò peraltro era già chiaro al Dindorf: 'Parisini illius non ea est bonitas quin saepe ex ceteris sit emendandus et supplendus, nedum ut pro eorum possit archetypo haberi' (Dindorf 1868-1875, I, *praefatio*, p. IV). Ma il Dindorf rinunciò in partenza a indagare i rapporti tra i codici, limitandosi a correggere il testo del Du Cange sulla base del Paris. gr. 1715.

²⁰ Esso è opera di quattro copisti collocati finora nel sec. XIV, ma una retrodatazione alla metà del sec. XIII è suggerita per l'insieme del codice dall'identificazione del quarto copista con Nicandro (*RKG* 2 A, 413), attivo intorno alla metà del sec. XIII (suo il Par. gr. 194 A, datato al 1255). L'identificazione è opera di C.M. Mazzucchi, che ringrazio di cuore.

del sec. XIII, devono essere retrodatati il primo alla seconda metà del sec. XII, l'altro alla fine dello stesso secolo²¹.

Il più recente editore, il Büttner-Wobst, pur avendo notizia di una quarantina di manoscritti, limita la sua *recensio* a diciotto, e questi valutati sulla base di un solo capitolo, il quinto del libro XVII; su questa base così ristretta decide di fondare il suo testo su cinque manoscritti. Quattro di questi sono quelli già utilizzati dal Wolf; ad essi si aggiunge il Parigino gr. 1715. In sostanza, l'utilizzazione del Parigino è l'unica novità introdotta dagli editori ottocenteschi. Non può non colpire la disinvoltura con cui tutti gli altri testimoni vengono accantonati quali privi di valore. Non fu troppo severo il Boissevain quando, recensendo l'edizione Büttner-Wobst, auspicò che, con essa, l'impresa del *corpus Bonnense* fosse dichiarata conclusa²².

Il Boissevain era giunto a Zonara per una via indiretta, attraverso le sue ricerche sulla storia del testo di Cassio Dione. Zonara lesse ancora direttamente, e utilizzò nei libri VII-IX, i libri I-XXI di Cassio Dione, per noi perduti; per la ricostruzione dei frammenti di questi libri, il monaco bizantino è la fonte di gran lunga più importante²³. Nel I volume del Cassio Dione di Boissevain, uscito a Berlino nel 1895, è compresa l'edizione dei libri VII-IX di Zonara. La consapevolezza metodologica dello studioso olandese è nettamente superiore a quella degli altri editori di Zonara; soprattutto, egli è il primo ad applicare in fase di *recensio* la comparazione con le fonti dell'opera: 'Bei einem Schriftsteller, der wie Zonaras seine Quellen zum Teil wörtlich, zum Teil paraphrasierend ausgezogen hat, liegt es auf der Hand, dass der sicherste Weg zur Beurteilung der Varianten seiner Handschriften dieser sein wird, dieselben mit dem Text der exzerpierten Autoren zu vergleichen'²⁴. Utilizzando questo criterio, egli confronta alcuni

²¹ Ringrazio Inmaculada Pérez Martín, che mi ha dato conferma *per litteras* di queste nuove datazioni. Nel Marc. gr. 400 (coll. 651) dobbiamo riconoscere, allo stato attuale della ricerca, il più antico codice conservato di Zonara.

²² 'Es ist zu hoffen, daß dieser fünfzigster Band der Sammlung auch der letzte bleiben wird. Das Corpus ist als ganzes verfehlt, gerechten Ansprüchen schon in der ersten Hälfte unseres Jahrhunderts nicht genügend' (Boissevain 1899, p. 159). Già il Krumbacher aveva auspicato una nuova edizione critica (Krumbacher 1897, p. 374).

²³ Cf. Ziegler 1972, col. 728.

²⁴ Boissevain 1895a, p. 259. Lo stesso criterio è impiegato nella recensione all'edizione Büttner-Wobst per mettere in dubbio la superiorità del Paris. gr.

capitoli del libro VII di Zonara con le Vite plutarchee in essi sunteggiate (*Romolo e Numa*). Su questa base egli giunge ad individuare, all'interno della tradizione manoscritta di Zonara, 4 gruppi (α - δ), e conclude che a fondamento del testo devono essere posti tre codici: il Paris. gr. 1717, appartenente al gruppo α , il Paris. gr. 1715, del gruppo γ , e il Vindob. Hist. Gr. 16, del gruppo δ .

È chiaro, ad ogni modo, che anche il Boissevain traeva le sue conclusioni su di una base troppo esigua, e che i suoi risultati non potevano che essere provvisori. Egli ne era del resto ben consapevole: 'Magnus ille codicum numerus – scrive – quonam cognationis vinculo inter se sint coniuncti nondum satis exploratum habemus, quo factum est ut ne hoc quidem constet, qui agmen ducant, qui prorsus abiciendi sint'²⁵, e soggiunge: 'tres quattuorve codicum familias α β γ δ distinguere conatus sum, non nescius ipse hanc divisionem ad tempus tantum valere posse'²⁶. La stessa incertezza sul numero delle famiglie ('tres quattuorve') rivela la coscienza della debolezza e della provvisorietà delle sue conoscenze sulla tradizione manoscritta di Zonara.

Nel 1961 Hans-Georg Beck non poteva che constatare che, per Zonara, gli studi sulla tradizione manoscritta erano ancora ai primi inizi²⁷. E ancor oggi, a distanza di oltre un secolo dal Boissevain, la situazione è pressoché immutata. Un nuovo studio della tradizione manoscritta dell'*Epitome* è stato avviato negli anni novanta da Pietro Luigi M. Leone, che si è assunto il compito di ripubblicare l'opera per il Corpus Fontium Historiae Byzantinae²⁸. Finora esso ha portato ad un più completo inventario dei ma-

1715 (A): in tre casi nei quali è possibile un controllo con la fonte di Zonara, egli osserva, la lezione giusta non è quella di A, ma quella degli altri manoscritti (Boissevain 1899, p. 160). Al principio aveva accennato anche Dindorf (Dindorf 1868-1875, I, *praefatio*, p. IV-V: 'toties [...] meliores ceteris suppeditat [scil. codex Parisinus] scripturas, ut ego demum non solum multa ex eo receperim quae quum scriptorum a Zonara excerptorum consensu firmarentur, nulla esset ratio cur ceterorum scripturis posthaberentur' ecc.), ma di una *recensio* nel suo caso non si può davvero parlare. Pochi anni dopo il Boissevain, il criterio è applicato dal de Boor allo studio della tradizione manoscritta di Giorgio monaco: vd. de Boor 1904, I, *praefatio*, p. LXI-LXII.

²⁵ Boissevain 1895b, *praefatio*, p. III.

²⁶ Boissevain 1895b, p. III n. 1.

²⁷ Beck 1961, p. 440 ('Im ganzen ist die Überlieferungsgeschichte wohl erst angebrochen, aber nicht befriedigend durchgeführt').

²⁸ L'informazione è nella pagina web del CFHB: http://www.oeaw.ac.at/byzanz/cfhb_conspectus.htm.

noscritti, accompagnato da alcune prime osservazioni²⁹; l'analisi, annunciata, dei rapporti tra i codici resta ad oggi un *desideratum*.

Quello che qui mi propongo di dare è un contributo sulla linea già indicata dal Boissevain, un'analisi testuale dei capitoli 15-26 del libro III, la parte dell'opera nella quale Zonara sunteggia la *Ciropedia* di Senofonte. La mia prospettiva, però, è rovesciata rispetto a quella del filologo olandese: egli studiò Zonara per trovarvi il Cassio Dione perduto, io intendo mettere le mie ricerche sulla tradizione manoscritta della *Ciropedia* al servizio degli studi sull'*Epitome*. L'analisi di questa sezione dell'opera di Zonara potrà gettare un po' di luce sulle fondamenta testuali dei libri I-IX, la prima parte dell'*Epitome*. È chiaro invece *a priori* che altre indagini occorreranno per la seconda parte dell'opera: anche i codici che trasmettono l'opera completa potrebbero avere a monte non un unico antigrafo, ma due tomi, appartenenti magari a filoni tradizionali differenti.

Ma prima di entrare nel merito, sono opportune alcune considerazioni di metodo intorno a questo strumento di cui l'editore di testi medievali spesso dispone, e cioè l'utilizzazione delle fonti conservate di un'opera. Soprattutto nel caso di opere assai lunghe e assai diffuse, quale l'*Epitome historiarum*, la più ampia delle cronache bizantine, si tratta di un criterio prezioso. Proprio per queste opere, spesso assai importanti nella storia della cultura medievale e appunto per questo trasmesse in una massa di codici, il lavoro ecdotico, com'è noto, è particolarmente arretrato. È legittimo cercare vie che consentano di dare in tempi ragionevoli edizioni magari ancora provvisorie, ma dalle fondamenta pur sempre assai più solide di quelle delle edizioni di cui adesso disponiamo. Il criterio può apparire ovvio, ma la sua applicazione è meno semplice di quanto possa a prima vista sembrare, anche

²⁹ Leone 1994. L'inventario, peraltro, non è privo di errori, il più vistoso dei quali è l'attribuzione a p. 237 di un codice di Zonara al Walters Art Museum di Baltimora. Non vi è a Baltimora nessun codice di Zonara, come risulta da Pappulov 2004 e come mi conferma *per litteras* la Dr. L.A. Herbert, responsabile del Department of Rare Books and Manuscripts del Walters Art Museum. In realtà quella che ancora nei primi anni del Novecento, al Cairo, era la legatura del Menologio imperiale oggi a Baltimora, Walters Art Museum, W. 521, distaccata dal Menologio al momento della sua sottrazione, ospita oggi ad Alessandria un codice di Zonara (Al-Iskandariya, Βιβλ. τοῦ Πατριάρχῆς, 13). Cf. Mosconas 1965, p. 17-19.

perché strettamente legata allo stato delle nostre conoscenze sulla storia testuale della fonte.

In primo luogo, occorre precisare che si parla, qui, di utilizzazione della fonte in sede di *recensio*, vale a dire finalizzata a discernere lezione autentica ed errore o innovazione arbitraria laddove la tradizione manoscritta dell'opera 'derivata' sia divisa. Sottolineiamolo subito, per chiarezza: il principio metodico di cui qui ragioniamo, e di cui cercheremo di dare un'illustrazione concreta nel caso di questa sezione dell'opera di Zonara, non si pone come alternativo al metodo stemmatico, ma ha una funzione ausiliaria rispetto ad esso. Per poggiare la *constitutio textus* di un'opera largamente tramandata su fondamenta solide, abbiamo bisogno di una classificazione genealogica dei testimoni, fondata sulla comunanza di errori, o, più in generale, di mutamenti del testo successivi all'autore. Spesso, discernere cosa è lezione autentica e cosa innovazione non è semplice; il confronto con la fonte ci offre un aiuto prezioso in questa fase di discernimento, preliminare indispensabile all'individuazione delle diverse famiglie di codici e al riconoscimento dei loro rapporti genealogici. Altro è invece l'utilizzazione della fonte in sede di *emendatio*, per correggere il testo laddove esso sia trasmesso unitariamente. Anche questo è certamente lecito, ma occorre grande prudenza, tanto maggiore quanto più larga è la tradizione manoscritta dell'opera 'derivata', e dunque più solido il testo che può essere costituito attraverso la sola *recensio*. Se un testo largamente e unitariamente tradito non presenta al suo interno indizi di problematicità, le sue divergenze rispetto alla fonte dovranno essere indicate, perlopiù, in apparato³⁰.

In secondo luogo, dovremo accertarci di avere a che fare con una fonte utilizzata direttamente. È questo il caso della *Ciropedia* in Zonara; l'impiego dell'opera senofontea quale fonte primaria

³⁰ Vi è poi anche l'uso della fonte in sede di *examinatio*, a difesa del testo, quando il confronto rivela che un passo apparentemente guasto è in realtà autentico, perché il compilatore ha riprodotto la fonte senza avvedersi che il diverso contesto sintattico in cui la inseriva richiedeva qualche aggiustamento: vd. gli esempi dalla *Historia regum Britanniae* di Galfrido di Monmouth citati da Reeve 1994, p. 6-10; vd. anche la difesa di due lezioni nel *Policraticus* di Giovanni di Salisbury, considerate errori ma recepite dalla sua fonte (Reeve 1994, p. 11 n. 17). All'uso della fonte per la conferma di 'questioned readings' accenna anche Hamel 1998, p. 210.

su *Ciro il Grande* rappresenta una novità introdotta dal nostro autore rispetto alla precedente tradizione. Ma l'utilizzazione diretta di un testo antico non dev'essere presupposta con facilità. Si prendano ad esempio quelle parti dell'*Epitome* di Zonara che dipendono da Giuseppe Flavio, largamente utilizzato dai cronografi bizantini, o da Eusebio: un confronto tra il testo di Zonara e quello dello storico antico sarà utile soltanto se avremo preliminarmente escluso che il secondo sia noto a Zonara indirettamente, per il tramite di una precedente cronografia.

Accertato questo, dev'essere tenuta presente la possibilità di un ricorso alla fonte successivo all'autore. Come ha ricordato Giovanni Orlandi, 'non è detto che la concordanza con la fonte riveli sempre e comunque la lezione originale dell'autore-compilatore, giacché in particolari casi un copista o un correttore accorto potrebbe disporre della fonte stessa, consultarla e magari ripristinare *sua sponte* il testo di essa contro un mutamento introdotto dal compilatore medievale'³¹; ma è ragionevole ritenere, come lo stesso studioso ha soggiunto, che operazioni del genere saranno avvenute di rado, e non saranno state sistematiche; solo nel caso di testi particolarmente familiari al copista medievale il principio che la lezione originale sia quella che concorda con la fonte perde molta della sua validità. Particolare cautela richiedono le riutilizzazioni dei testi biblici, non soltanto assai familiari, ma costantemente difesi, nella trasmissione dell'opera che se ne è servita, dalla fede nel loro carattere sacro: qui hanno maggiore probabilità di essere autentiche le varianti che si allontanano dalla fonte biblica di quelle che mostrano piena aderenza al testo sacro³².

Più in generale, il principio che tra due varianti debba essere ritenuta autentica quella più vicina alla fonte presuppone la fedeltà al modello da parte dell'autore del testo derivato – presupposto da fondare sullo studio delle sue modalità compositive,

³¹ Orlandi 1995, p. 100.

³² Il principio è familiare alla filologia patristica, per l'analisi delle citazioni bibliche presenti nei Padri della Chiesa. Cf. ad es., tra le formulazioni recenti, Barrett 1998, I, p. 45 'in pochi punti [*scil.* i testi patristici] correivano il rischio di subire corrottele quanto nelle citazioni bibliche: era ovvio per un copista ritenere che l'autore venerato dovesse aver citato la Scrittura secondo quello che egli, il copista, considerava il testo autentico'.

del suo modo di porsi nei confronti delle fonti³³ –; o, almeno, l'improbabilità di un ripristino del testo della fonte da parte di un lettore-correttore. Nel caso di Zonara e del suo sommario della *Ciropedia*, a me pare che tale principio possa generalmente essere applicato. Anche qui, però, possono sorgere questioni non semplicissime. Se, ad es., a p. 236, 7 Dindorf la tradizione di Zonara si divide tra ἰσχυρόν e ὀχυρόν, e solo la prima variante trova supporto nella tradizione senofontea (*Cyr.* IV 6, 2), non si avrà dubbio ad accogliere questa anche in Zonara, e a ritenere ὀχυρόν una corruzione; tanto più se quest'ultima lezione caratterizza un sottogruppo di codici, ed anche i principi della *recensio* la indicano come secondaria. Ma che dire quando ci troviamo di fronte varianti maggiori, non meccaniche e più solidamente attestate? Si prenda ad es. p. 261, 3 D., dove la tradizione di Zonara si divide equamente tra εἰς θεοὺς ἅπει e σε μεταπέμπονται οἱ θεοί. La prima variante riproduce la fonte (*Cyr.* VIII 7, 2), ma la seconda può sollevare, mi pare, la questione se non si abbia a che fare con una variante d'autore: se, cioè, il monaco bizantino non abbia dapprima trascritto il testo senofonteo, per poi riformulare diversamente e più liberamente il periodo in un momento successivo³⁴. Ritorneremo più avanti su questo punto.

L'applicazione del principio, dunque, può anche essere problematica. Ma esso è, come dicevo, prezioso, perché consente di riconoscere la variante autentica anche tra varianti di per sé 'adiafore', come assai spesso quelle nell'ordine delle parole; porta, dunque, 'ad una vera e propria moltiplicazione delle varianti utili in sede di *recensio* [...] sfruttabili per consolidare quelle ipotesi che si ritrovano prive delle solide fondamenta fornite dagli errori patenti ed immediatamente riconoscibili come tali'³⁵. Ma qui un'altra precisazione è importante: il confronto tra fonte e varianti del nostro testo sarà tanto più valido, quanto più saremo in grado di conoscere con esattezza il tipo di testo noto all'autore-compilatore; l'ideale sarebbe poter individuare 'quale testimone della fon-

³³ Cf. Hamel 1998, p. 211–213.

³⁴ Alla possibilità dell'esistenza di una duplice recensione dell'*Epitome* accennò già il Boissevain (Boissevain 1895a, p. 271); cf. anche Leone 1994, p. 224. Ad una conclusione analoga giunse il de Boor per la Cronaca di Giorgio monaco: cf. de Boor 1904, I, *praefatio*, p. LXIX.

³⁵ Maggioni 1994, p. 44.

te sia stato effettivamente utilizzato dall'autore'³⁶. Occorre, cioè, confrontare le varianti del testo studiato non con le fonti quali noi le leggiamo, ma quali l'autore-compilatore le leggeva. Qui, però, rischiamo di cadere in un'*impasse*. L'accertamento del tipo di testo di una fonte utilizzato dall'autore-compilatore richiede che sia stato preliminarmente costituito il testo di quest'ultimo; se esso non è stabilito in modo attendibile, non possiamo procedere a quell'accertamento. D'altra parte, questo strumento ci serve proprio per costituire il testo del nostro autore-compilatore. Come uscirne? Se, come accade non così di rado, la tradizione manoscritta dell'autore-compilatore presenta varianti, e le stesse varianti compaiono anche all'interno della tradizione manoscritta della fonte, non potremo dire con certezza, almeno per questa via, quale tipo di testo il nostro autore abbia letto. Vediamo alcuni esempi di questa situazione in Zonara, venendo al suo testo senofonteo.

È stato ormai chiarito che la tradizione bizantina della *Ciro-pedia* vede contrapposte due tipologie testuali, rappresentata la prima dal codice di Erlangen, UB, A 1, dell'inizio del sec. X, e dal Vat. gr. 129, della prima metà dell'XI, la seconda dallo Scorialensis T. III. 14, anch'esso dell'inizio del sec. X. Queste due tipologie testuali, dette a partire dal Gemoll³⁷ la prima *y*, la seconda *z*, hanno radici antiche; una terza invece, detta *x*, è una recensione bizantina, frutto della correzione di un testo-base di tipo *z* con l'immissione in esso di molte lezioni di tipo *y*. Finora, questa recensione *x* è stata ritenuta un prodotto di età paleologa; io ho scritto invece recentemente che essa è da collocarsi in età comnena, perché sostanzialmente già presente nel codice di Oxford, Bodleian Library, Auct. F. 3. 24, copia dello Scorialensis vergata nel secondo quarto del sec. XII ed estesamente contaminata con lezioni di tipo *y* da una mano contemporanea o poco successiva a quella del copista principale³⁸. Dunque, nessuno di questi tre tipi di testo può essere *a priori* escluso per Zonara. Si osservino ora i seguenti casi³⁹:

³⁶ Cf. Maggioni 1994, p. 38. Il caso non si dà frequentemente, ma talvolta tale dimostrazione è riuscita: vd. ad es. Hamel 1998, p. 208.

³⁷ Cf. Gemoll 1912a e Gemoll 1912b.

³⁸ Cf. Bandini 2011, p. 283.

³⁹ Mi limito, per il momento, ad indicare la divisione della tradizione ma-

p. 231, 17 Dind. (cf. *Cyr.* III 3, 25) προήεσαν Zon^{pt} Xen^z :
προσήεσαν Zon^{pt} Xen^{yx}

p. 231, 24 D. (cf. *Cyr.* III 3, 63) τὰ ἐρύματα Zon^{pt} Xen^z : τὸ
ἔρυμα Zon^{pt} Xen^{yx}

p. 232, 7 D. (cf. *Cyr.* III 3, 69) ἐπὶ Zon^{pt} Xen^{yz} : ὑπὸ Zon^{pt}
Xen^x

p. 234, 20–21 D. (cf. *Cyr.* IV 2, 37) τοῖς οἰκέταις καὶ τοῖς δεσπό-
ταις Zon^{pt} Xen^z : τοῖς δεσπότης καὶ τοῖς οἰκέταις Zon^{pt} Xen^{yx}

p. 236, 7 D. (cf. *Cyr.* IV 6, 2) ἄρχων Zon^{pt} cf. ἐπάρχων Xen^x
ὑπάρχων Xen^z : ἄρχω Zon^{pt} cf. ἐπάρχω Xen^y

p. 246, 8 D. (cf. *Cyr.* VI 3, 5) που Zon^{pt} Xen^{zx} : om. Zon^{pt} Xen^y

p. 247, 26 D. (cf. *Cyr.* VI 4, 5) ἀποχωρήσαι Zon^{pt} Xen^{zx} : ὑπο-
χωρήσαι Zon^{pt} Xen^y

p. 253, 22 D. (cf. *Cyr.* VII 4, 16) ἐξέπλησε Zon^{pt} Xen^z : ἐξώπλι-
σε Zon^{pt} Xen^{yx}

Come spiegare questi casi? Che Zonara trovasse nel suo codice senofonteo le due lezioni è possibile, ma che le riproducesse entrambe nella sua *Epitome* è certamente da escludere. Due, se non sbaglio, le spiegazioni possibili: l'una, a mio parere assai più probabile, che ci si trovi di fronte ad errori poligenetici, prodottisi indipendentemente in entrambe le tradizioni; l'altra, che un correttore di Zonara abbia operato facendo ricorso ad un codice senofonteo il cui testo differiva da quello utilizzato dall'autore. Come che sia, in questi casi e in altri del genere, la fonte non ci aiuta a capire quale sia la lezione autentica di Zonara. Sarà allora opportuno, mi pare, metterli inizialmente da parte, e considerare soltanto i passi nei quali la tradizione manoscritta di Zonara è concorde. Sarà questo esame a dirci quale testo della *Ciropedia* egli leggeva, e a fornirci un criterio orientativo nella valutazione dei passi dubbi. Analizziamo alcune pagine, osservando i casi nei quali Zonara si schiera con l'una o l'altra famiglia.

p. 225, 23–24 D. (cf. *Cyr.* I 2, 7) οὕς ... ἐγκαλοῦντας Zon. Xen^y:
ὄν ... ἐγκαλοῦντα Xen^{zx}

noscritta di Zonara con pt (= *partim*) in apice, senza indicare i singoli codici. Antepongo quella che a mio parere è la lezione giusta.

- p. 225, 26 D. (cf. *Cyr.* I 2, 8) ἐγκράτειαν Zon. Xen^{zx}: ἐγκρατεῖς εἶναι Xen^y
- p. 225, 28 D. (cf. *Cyr.* I 2, 8) ἄρτον Zon. Xen^{zx}: ἄρτους Xen^y
- p. 225, 30-31 D. (cf. *Cyr.* I 2, 8) πρὸ τοῦ σιτεῖσθαι (vel σιτήσασθαι) Zon., cf. πρὸ δὲ τούτων Xen^{zx}: πρὸς δὲ τούτοις Xen^y
- p. 226, 5 D. (cf. *Cyr.* I 2, 9) ἐξήγε ... τὴν ἡμίσειαν Zon., cf. ἐξάγει τὴν ἡμίσειαν Xen^{zx}: τὰς ἡμισείας ... καταλείπει Xen^y
- p. 226, 14 D. (cf. *Cyr.* I 2, 11) ἡ θηρὸς ἔνεκα Zon., cf. ἡ θηρίου ἔνεκα Xen^{zx}: θηρίου ἔνεκα Xen^y
- p. 226, 15 D. (cf. *Cyr.* I 2, 11) οὖν Zon. Xen^{zx}: om. Xen^y
- p. 226, 16 D. (cf. *Cyr.* I 2, 11) ὑστέραν Zon. Xen^z: ὑστεραίαν Xen^{yx}
- p. 226, 17 D. (cf. *Cyr.* I 2, 11) τὰς ἡμέρας ταύτας Zon., cf. ταύτας τὰς ἡμέρας Xen^{zx}: τούτω τῷ ἡμέρα Xen^y
- p. 226, 18 D. (cf. *Cyr.* I 2, 11) ἵνα κἂν Zon., cf. ἵνα καὶ ἐάν τι Xen^y: ἵν' ἐάν τι καὶ Xen^{zx}
- p. 226, 24 D. (cf. *Cyr.* I 2, 12) ἰσχύος ἡ τάχους ἔργα Zon. Xen^{zx}: ἰσχύος τε καὶ τάχους ἔργα Xen^y
- p. 226, 31 D. (cf. *Cyr.* I 2, 13) καὶ αἱ ἀρχαί Zon. Xen^{zx}: ἀρχαί Xen^y
- p. 227, 7 D. (cf. *Cyr.* I 2, 14) ἡ ἐν Zon. Xen^{zx}: ἐν Xen^y
- p. 227, 11 D. (cf. *Cyr.* I 2, 16) τὸ ἀπομύττεσθαι Zon. Xen^y: ἀπομύττεσθαι Xen^{zx}
- p. 227, 26 D. (cf. *Cyr.* I 5, 2) Ἀσσυρίων Zon., cf. Ἀσσυρίους Xen^{zx}: Σύρους Xen^y
- p. 228, 2 D. (cf. *Cyr.* I 5, 2) πάντων γε τῶν Zon. Xen^{zx}: πάντων αὐτῶν Xen^y
- p. 228, 5 D. (cf. *Cyr.* I 5, 3) τοὺς Φρύγας Zon. Xen^{zx}: Φρύγας Xen^y
- p. 228, 5-6 D. (cf. *Cyr.* I 5, 3) Παφλαγόνας καὶ Ἰνδοὺς καὶ πρὸς Κᾶρας Zon. Xen^{zx}: Κᾶρας καὶ Παφλαγόνας καὶ Ἰνδοὺς Xen^y
- p. 229, 1 D. (cf. *Cyr.* II 4, 1) προσάγειν Zon. Xen^{zx}: προσελθεῖν Xen^y
- p. 229, 6 D. (cf. *Cyr.* II 4, 7) ἐξ οὗ Zon. Xen^{zx}: ἐξ ὅτου Xen^y

p. 229, 9 D. (cf. *Cyr.* II 4, 7) τὸ δίκαιον σκεψάμενος Zon. Xen^{zx}: σκεψάμενος τὸ δίκαιον Xen^y

p. 229, 9 D. (cf. *Cyr.* II 4, 7) ἡδίκημένου Zon. Xen^{zx}: ἀδικουμένου Xen^y

p. 229, 12 D. (cf. *Cyr.* II 4, 8) πυνθάνεσθε Zon. Xen^y: νὺν πύθεσθε Xen^{zx}

p. 229, 13 D. (cf. *Cyr.* II 4, 8) αἰρούμεθα Zon. Xen^y: αἰρεῖσθαι Xen^{zx}

p. 229, 17 D. (cf. *Cyr.* II 4, 12) μέμνημαί σου ἀκούσας Zon. Xen^z: σου μέμνημαι ἀκούσας Xen^{yx}

p. 229, 18 D. (cf. *Cyr.* II 4, 12) πέμπει Zon. Xen^{zx}: πέμποι Xen^y

p. 229, 20 D. (cf. *Cyr.* II 4, 14) μετρίους Zon., cf. μέτριοι Xen^{zx}: ἱκανοί Xen^y

Dall'analisi di queste cinque pagine di testo nell'edizione Dindorf emergono 27 casi di varianti: Zonara si schiera 20 volte con *zx* contro *y*, 2 volte con il solo *z* contro *yx*, 5 con *y* contro *zx*. Se ne ricava, mi pare, che Zonara utilizza un testo di tipo *z* indipendente dalla recensione *x* ma che già presenta alcune tracce di contaminazione con *y*. Non tutti i casi, peraltro, hanno uguale peso – poco significativo, ad esempio, l'accordo di Zonara con *y* a p. 227, 11 D. –; e il quadro generale sembra abbastanza chiaro. La *Ciropedia* di Zonara s'inserisce armonicamente nella storia del testo senofonteo a Bisanzio: tra il X e il XII secolo è il testo *z* che appare maggiormente diffuso, sia guardando ai testimoni diretti conservati – dello Scorialensis ci è conservata una copia del sec. X (il Vat. gr. 1335 nella sua parte originaria) e una del XII (il già menzionato Bodleiano), mentre del codice di Erlangen non abbiamo copie anteriori al XV secolo, né del Vat. gr. 129 anteriori al sec. XIV –, sia considerando la tradizione indiretta – è il tipo di testo *z* che entra negli *Excerpta Constantiniana* e, attraverso di essi, nella Suda⁴⁰. Nel sec. XII inizia il processo di contaminazione che, partendo dal testo *z*, porta rapidamente al costituirsi della recensione *x*; l'*Epitome historiarum* riflette la fase iniziale di tale processo.

⁴⁰ Cf. Persson 1915, p. 156–7; Irigoin 1970, p. 60.

L'aver acquisito un'idea abbastanza precisa del tipo di testo senofonteo utilizzato da Zonara ci dà un criterio utile nella valutazione delle varianti dei manoscritti dell'*Epitome*. Utile, ma, se la nostra analisi è corretta, orientativo, non sicuro; perché laddove la tradizione di Zonara sia divisa, schierandosi in parte con Xen^{z(x)}, in parte con Xen^{y(x)}, sarà molto più probabile, ma non certo, che il testo autentico sia quello che concorda con Xen^{z(x)}. In prima istanza, allora, limitiamoci, nella valutazione delle varianti di Zonara, ai passi nei quali la tradizione manoscritta senofonteica è unitaria. Qui, finalmente, poggiamo su un terreno solido e sicuro; qui la fonte ci aiuta davvero a fare un po' di luce nella tradizione dell'*Epitome*.

La mia opera di collazione dei codici di Zonara è ancora incompleta. Di diciannove manoscritti contenenti il libro III, ne ho collazionati finora sedici. Si tratta dei seguenti: Città del Vaticano, Biblioteca Apostolica Vaticana, Vat. gr. 135 (fine sec. XIII-inizio sec. XIV), Vat. gr. 136 (seconda metà del sec. XIII), Palat. gr. 171 (sec. XIII); Firenze, Biblioteca Medicea Laurenziana, plut. 70. 4 (fine sec. XIII-inizio sec. XIV); Milano, Biblioteca Ambrosiana, C 279 inf. (gr. 912), del sec. XIII, e G 73 sup. (gr. 411), della seconda metà del sec. XIV⁴¹; Modena, Bibl. Estense e universitaria, α.V.7.3 (gr. 177), della metà del sec. XIV; München, Bayerische Staatsbibliothek, gr. 324 (seconda metà del sec. XIII); Paris, Bibliothèque nationale de France, grec 1714 (seconda metà del sec. XIII), 1715 (a. D. 1289), 1716 (prima metà del sec. XIV), 1717 (fine sec. XIII-inizio sec. XIV); Venezia, Biblioteca Nazionale Marciana, Marc. gr. 399 (coll. 782), del 1420, Marc. gr. 400 (coll. 651), della seconda metà del sec. XII, e Marc. gr. 401 (coll. 898), della fine del sec. XII; Wien, Österreichische Nationalbibliothek, Hist. gr. 16 (seconda metà del sec. XIV)⁴². Pur nell'attesa di proseguire la ricerca, integrando i dati dei rimanenti manoscritti⁴³ e approfondendo le

⁴¹ L'Ambr. G 73 sup. è abitualmente datato al sec. XV, ma le filigrane indicano una datazione al terzo quarto del Trecento. Il copista, unico, sembra imitare una scrittura del XII secolo.

⁴² Ho collazionato direttamente i codici Ambros. C 279 inf., Laur. 70. 4, Par. gr. 1714, Par. gr. 1715, Par. gr. 1716, Par. gr. 1717, Vat. gr. 135, Vat. gr. 136; su microfilm i codici Ambr. G 73 sup., Mut. gr. 177, Marc. gr. 399, Marc. gr. 400, Marc. gr. 401, Vind. Hist. gr. 16; su riproduzione digitale il Mon. gr. 324 e il Vat. Palat. gr. 271, attualmente in restauro.

⁴³ Si tratta dei tre seguenti: Al-Iskandariya, Βιβλ. τοῦ Πατριάρχου, 13; Atene,

loro relazioni reciproche, posso intanto presentare alcune prime osservazioni.

La tradizione manoscritta appare suddividersi in due famiglie, che chiamerò α e β . Alla famiglia α appartengono i codici Ambros. G 73 sup., Mut. gr. 177, Par. gr. 1714, Par. gr. 1716, Par. gr. 1717, Vat. Pal. gr. 271; alla famiglia β appartengono i codici Ambros. C 279 inf., Laur. 70. 4, Marc. gr. 399, Marc. gr. 400, Marc. gr. 401, Mon. gr. 324, Par. gr. 1715, Vat. gr. 135, Vat. gr. 136, Vind. Hist. gr. 16.

L'esistenza del capostipite della famiglia α è provata dai seguenti errori congiuntivi (antepongo la lezione giusta, confermata dal testo senofonteo):

- p. 228, 1 D. ῥετο β (cf. *Cyr.* I 5, 2 ἐνόμιζεν) : ὥστε α
- p. 230, 30-231, 1 D. ὁ Κῦρος ... χρημάτων β (cf. *Cyr.* III 1, 34) : om. α
- p. 236, 3 D. Ἀσσύριος β (cf. *Cyr.* IV 6, 1) : om. α
- p. 238, 21 D. χαλεπήνας β (cf. *Cyr.* V 3, 26 χαλεπῶς ἐνέγκοι) : ὀργισθεῖς α
- p. 239, 25 D. ἄρματα β Pal. 271^{sho} (cf. *Cyr.* V 4, 8) : πράγματα α
- p. 248, 7 D. ἄνδρα β (cf. *Cyr.* VI 4, 8) : ἄρα α
- p. 251, 22 D. ἐγὼ β (cf. *Cyr.* VII 2, 12) : om. α
- p. 252, 9 D. διεκελευόμην β (cf. *Cyr.* VII 3, 10) : τὲ ἐκελευόμην α
- p. 252, 29 D. ἐπὶ β (cf. *Cyr.* VII 4, 8 ἐπὶ zx περὶ γ) : om. α
- p. 255, 26 D. διεδίδου β (cf. *Cyr.* VII 5, 35) : ἐδίδου α
- p. 256, 17 D. εὐεργέτημα β (cf. *Cyr.* VIII 2, 2) : χρήμα α
- p. 257, 2 D. ἤδη β (cf. *Cyr.* VIII 2, 16) : om. α
- p. 259, 23 D. ἱερεῖα ἅγων πᾶσι Πέρσαις ἱκανά β (cf. *Cyr.* VIII 5, 21) : ἱκανά ἅγων πᾶσι τοῖς Πέρσαις ἱερεῖα α

L'esistenza del capostipite della famiglia β è provata dalle seguenti innovazioni:

¹ Ἑθνικὴ Βιβλιοθήκη τῆς Ἑλλάδος, 1069; El Escorial, Real Biblioteca, T. III. 5. Per il primo tomo di Zonara entrano in gioco anche il codice di Londra, British Library, Add. 28828 e il Vat. gr. 1623; ma essi non conservano, per cause accidentali, il libro III.

- p. 229, 4 D. φαυλότητι α (cf. *Cyr.* II 4, 5) : λιτότητι β
- p. 229, 12 D. ἔφη α (cf. *Cyr.* II 4, 8) : εἶπεν β
- p. 232, 13 D. ἡθύμουν α (cf. *Cyr.* IV 1, 8) : ἥλγουν β
- p. 232, 16 D. στρατόπεδον α (cf. *Cyr.* IV 1, 9) : χαράκωμα β
- p. 246, 25 D. εἶπεν α (cf. *Cyr.* VI 3, 11) : πρὸς τοῦτο β
- p. 251, 14 D. ὁ Κύριος non legit α (cf. *Cyr.* VII 2, 10) : add. β
- p. 256, 28 D. εὐδαίμονα α (cf. *Cyr.* VIII 2, 14) : εὐτραφή β
- p. 257, 12 D. τῷ Ὑστάσπα α (cf. *Cyr.* VIII 2, 17) : αὐτῷ β
- p. 257, 13 D. ἐνέγραψε α (cf. *Cyr.* VIII 2, 17) : ἔγραψε β
- p. 261, 3 D. εἰς θεοὺς ἄπει α (cf. *Cyr.* VIII 7, 2) : σε μεταπέμπονται οἱ θεοί β

È abbastanza evidente, mi pare, una differenza tra le lezioni caratteristiche dell'una e dell'altra famiglia. Le lezioni che individuano la famiglia α sono quasi sempre di carattere involontario (omissioni o errori comunque palesi); non così quelle caratteristiche della famiglia β, che assai spesso appaiono interventi consapevoli sul testo. Ho già accennato all'ultimo caso riportato, la variante a p. 261, 3 D.; qui a spingere alla riscrittura potrebbe essere stato il desiderio di evitare l'impressione di una sorta di divinizzazione di Ciro dopo la sua morte: non 'te ne andrai tra gli dèi', come aveva scritto Senofonte, ma 'gli dèi ti mandano a chiamare'. La correzione di εὐδαίμονα in εὐτραφή a p. 256, 28 D. sembra ispirata dalla volontà di evitare l'umanizzazione di animali: il pastore deve rendere le sue greggi non 'felici', ma 'ben pasciute'. Meglio definire l'abito persiano di Ciro 'semplice' che 'scadente' (p. 229, 4 D.). A p. 232, 13 D. la sostituzione di un sinonimo evita la ripetizione di una forma verbale appena usata, così come a p. 257, 12 D. l'uso del pronome evita la ripetizione del nome proprio. A p. 246, 25 πρὸς τοῦτο in luogo di εἶπεν, lasciato sottinteso, conferisce maggiore vivacità allo scambio dialogico. L'aggiunta del soggetto a p. 251, 14 D. ha scopo chiarificatore. In tutti questi casi, il confronto con la fonte indica l'antiorità del testo α; ma gli interventi incorporati nel testo β sono correzioni d'autore o arbitrari rimaneggiamenti successivi?

Un aiuto a rispondere a questa domanda può venirci, mi pare, da un'altra cospicua variante, su cui mi soffermerò a conclusione

di questo mio contributo. A p. 255, 13-19 D. il riassunto della *Ciropedia* è momentaneamente interrotto da un periodo (sei righe e mezzo nell'edizione Dindorf) che integra un dato assente nella narrazione senofontea (il nome del re assiro sconfitto da Ciro al momento della presa di Babilonia) attraverso il ricorso a Giuseppe Flavio (*Ant. Iud.* X 11, 4). Il riassunto della *Ciropedia* giunge a VII 5, 32 prima di questo periodo, e riprende subito dopo da *Cyr.* VII 5, 33, senza soluzione di continuità. Il periodo in questione si richiama ad un precedente passo dell'*Epitome* (III 5) ed è conforme all'uso di Zonara; poco prima, ad esempio, nello stesso capitolo (p. 254, 13-14 D.) il monaco bizantino ha integrato un altro dato taciuto da Senofonte (il nome del fiume che attraversa Babilonia) attraverso il ricorso ad Erodoto. Tutto questo periodo fondato su Giuseppe Flavio compare nel testo β , non compare nel testo α : nel Par. gr. 1714 è del tutto omesso, negli altri testimoni di questa famiglia α è assente nel testo e scritto in margine o dal copista stesso o dal *rubricator*. L'omissione non è di tipo meccanico (non si tratta di un *saut du même au même*); d'altra parte, dell'autenticità del passo non sembra ragionevole dubitare. I testimoni del testo α ci mettono sotto gli occhi, a mio parere, lo stato di cose che possiamo immaginare per un primo esemplare d'autore: è verosimile, mi pare, che Zonara abbia dapprima redatto la sua sintesi del testo senofonteo, e che su di essa, in un secondo momento, abbia operato interventi di varia natura, tra i quali questo, apponendo almeno i più rilevanti nel margine della sua copia. Se questa ipotesi coglie nel segno, se ne ricava che la famiglia α conserva la forma testuale originaria, anteriore a quella della famiglia β ; ma che le innovazioni di β risalgono, almeno in parte, all'autore.

Ho voluto qui soltanto impostare, spero correttamente, la ricerca sulla tradizione manoscritta dell'*Epitome*. Che questo testo, così amato a Bisanzio, attenda ancora un'edizione critica, e che questa appaia ancora così lontana, non fa onore ai nostri studi.

Bibliografia

- A. Álvarez Rodríguez (2006), *Juan Zonaras, Libro de los emperadores (versión aragonesa del "Compendio de historia universal" patrocinada por Juan Fernández de Heredia)*. Edición crítica y estudio de A. Álvarez Rodríguez, Zaragoza: Institución Fernando el Católico.

- M. Bandini (2011), recensione a *Xenophon's Cyropaedia. A Late Byzantine Recension*, ed. by D.F. Jackson, translated by R.E. Doty, Lewiston-Queenston-Lampeter 2010, in *Prometheus*, 37, p. 281-283.
- Ch.K. Barrett (1998), *A Critical and Exegetical Commentary on the Acts of the Apostles*, 2 voll., Edinburgh: T. & T. Clark (¹1994), trad. it. Brescia: Paideia, 2003 (Commentario Paideia. Nuovo Testamento, 5).
- H.-G. Beck (1961), *Überlieferungsgeschichte der Byzantinischen Literatur*, in *Geschichte der Textüberlieferung der antiken und mittelalterlichen Literatur*, Zürich: Atlantis Verlag, I, p. 423-510.
- U. Ph. Boissevain (1895a), 'Zur handschriftlichen Überlieferung des Zonaras', in *Byzantinische Zeitschrift*, 4, p. 250-271.
- U. Ph. Boissevain (1895b), *Cassii Dionis Cocceiani Historiarum Romanarum quae supersunt* edidit U. Ph. Boissevain, I, Berolini: Weidmann.
- U. Ph. Boissevain (1899), recensione a Büttner-Wobst (1897), in *Byzantinische Zeitschrift*, 8, p. 159-163.
- Th. Büttner-Wobst (1892), 'Studien zur Textgeschichte des Zonaras', in *Byzantinische Zeitschrift*, 1, p. 202-244, 594-597.
- Th. Büttner-Wobst (1897), *Ioannis Zonarae Epitomae historiarum libri XIII-XVIII*, Bonnæ: E. Weber (Corpus Scriptorum Historiae Byzantinae).
- R. Devreesse (1965), *Le fonds grec de la Bibliothèque Vaticane des origines à Paul V*, Città del Vaticano: Biblioteca Apostolica Vaticana (Studi e testi, 244).
- L. Dindorf (1868-1875), *Ioannis Zonarae Epitome historiarum*, 6 voll., Lipsiae: B.G. Teubner.
- C. de Boor (1904), *Georgii monachi Chronicon*, 2 voll., Lipsiae: B.G. Teubner (rist. Stuttgart 1978).
- Du Cange (1686-1687), *Ioannis Zonarae Annales*, 2 voll., Parisiis: e typographia regia.
- M.E. Fiorentino (1560), *Historia di Giov. Zonara nuovamente tradotta per Marco Emilio Fiorentino*, Vinegia: Lod. degli Avanzi.
- P. Géhin (ed., 1989), *Les manuscrits grecs datés des XIII^e et XIV^e siècles conservés dans les Bibliothèques publiques de France. I XIII^e siècle*, Paris: Bibliothèque Nationale.
- W. Gemoll (1912a), *Xenophontis Institutio Cyri*, edidit W.G., Lipsiae: B.G. Teubner (Biblioteca scriptorum Graecorum et Romanorum Teubneriana).
- W. Gemoll (1912b), *Zur Kritik und Erklärung von Xenophons Kyrupädie*, Liegnitz: Carl Seyffarth.
- E. Gerland (1934), *Das Studium der byzantinischen Geschichte vom Hu-*

- manismus bis zur Jetztzeit*, Athen: Papadopoulos (Texte und Forschungen zur byzantinisch-neugriechischen Philologie, 12).
- M. Hamel (1998), *The Use of Sources in Editing Middle English Texts*, in V.P. McCarren, D. Moffat (edd.), *A Guide to Editing Middle English*, Ann Arbor: The University of Michigan Press, pp. 203-216.
- D. Harlfinger (1971), *Die Textgeschichte der pseudo-Aristotelischen Schrift Περί ἀτόμων γραμμῶν. Ein kodikologisch-kulturgeschichtlicher Beitrag zur Klärung der Überlieferungsverhältnisse im Corpus Aristotelicum*, Amsterdam: Verlag Adolf M. Hakkert.
- J. Irigoin (1970), 1968-1969. *Plutarque. Xénophon*, in *Annuaire de l'Ecole pratique des hautes études, IV^e Section: Sciences historiques et philologiques*, rist. in J. Irigoin (1997), *Tradition et critique des textes grecs*, Paris: Les Belles Lettres, p. 55-62 (da cui cito).
- D.F. Jackson (1998), 'A New Look at an Old Book List', in *Studi italiani di filologia classica*, s. III, 16, p. 83-108.
- K. Krumbacher (1897), *Geschichte der Byzantinischen Litteratur*, München: C.H. Beck (seconda edizione).
- P.L.M. Leone (1994), *La tradizione manoscritta dell'Epitome historiarum di Giovanni Zonaras (I)*, in *Syndesmos. Studi in onore di Rosario Anastasi*, Catania: Facoltà di Lettere e Filosofia, II, p. 221-262.
- G.P. Maggioni (1994), 'L'uso delle fonti in sede di "recensio" nella filologia mediolatina. Riflessioni su di un'esperienza', in *Filologia mediolatina*, 1, p. 37-44.
- A. Meschini (1981), *Michele Sofianòs*, Padova: Liviana editrice (Studi bizantini e neogreci, 12).
- T.D. Mosconas (1965), *Catalogue of Mss of the Patriarchal Library of Alexandria*, Salt Lake City: University of Utah Press (Studies and Documents, 26).
- K.K. Müller (1884), 'Neue Mittheilungen über Janos Laskaris und die Mediceische Bibliothek', in *Centralblatt für Bibliothekswesen*, 1, p. 333-412.
- A. Németh (2011), 'Willibald Pirckheimer and his Greek codices from Buda', in *Gutenberg-Jahrbuch*, 86, p. 175-198.
- G. Orlandi (1995), 'Perché non possiamo non dirci lachmanniani', in *Filologia mediolatina*, 2, pp. 1-42, rist. in G. Orlandi (2008), *Scritti di filologia mediolatina*, raccolti da P. Chiesa, A.M. Fagnoni, R.E. Guglielmetti, G.P. Maggioni, Firenze: Sismel – Edizioni del Galluzzo (Millennio medievale. Strumenti e studi, 19), p. 95-130 (da cui cito).
- G.R. Parpulov (2004), *A Catalogue of the Greek Manuscripts at the Walters Art Museum*, in *The Journal of the Walters Art Museum*, 62, p. 71-187.

- A.W. Persson (1915), *Zur Textgeschichte Xenophons*, Lund: C.W.K. Gleerup – Leipzig: Harrassowitz.
- A. Pertusi (2004), *Storiografia umanistica e mondo bizantino*, in *Bisanzio e i Turchi nella cultura del Rinascimento e del Barocco. Tre saggi di Agostino Pertusi*, a cura di C.M. Mazzucchi, Milano: Vita e Pensiero, p. 3–111.
- E. Piccolomini (1874), ‘Inventario della libreria medicea privata compilato nel 1495’, in *Archivio storico italiano*, s. III 20, p. 51–94.
- M.E. Pinder (1834), *Numismata antiqua inedita commentariis ac tabulis illustravit M. P.*, Berolini: ex officina Academiae Regiae Scientiarum.
- M.E. Pinder (1841), *Ioannis Zonarae Annales ex recensione Mauricii Pinderi*, tomus I, Bonnae: E. Weber (Corpus Scriptorum Historiae Byzantinae).
- M.E. Pinder (1844), *Ioannis Zonarae Annales ex recensione Mauricii Pinderi*, tomus II, Bonnae: E. Weber (Corpus Scriptorum Historiae Byzantinae).
- M.D. Reeve (1994), *Errori in autografi*, in P. Chiesa, L. Pinelli (a cura di), *Gli autografi medievali: problemi paleografici e filologici*. Atti del Convegno di studio della Fondazione Ezio Franceschini (Erice, 25 settembre – 2 ottobre 1990), Spoleto: Centro italiano di studi sull’alto medioevo (Quaderni di cultura mediolatina, 5), p. 37–60, rist. con aggiunte in M.D. Reeve (2011), *Manuscripts and Methods. Essays on Editing and Transmission*, Roma: Edizioni di storia e letteratura, p. 3–23 (da cui cito).
- Repertorium fontium historiae Medii Aevi (2007), XI/4 Fontes W–Z, Romae: Istituto storico italiano per il Medio Evo.
- S. Timpanaro (1981), *La genesi del metodo del Lachmann*, seconda edizione, Padova: Liviana editrice (prima ed. Firenze: Le Monnier, 1963; rist. con una Presentazione e una Postilla di E. Montanari, Torino: Utet, 2010, da cui cito).
- N.G. Wilson (1995), ‘A Fragment of a Historical Text in a Venice Manuscript’, in *Byzantinische Zeitschrift* 88, p. 155.
- H. Wolf (1557), *Ioannis Zonarae ... compendium historiarum, in tres tomos distinctum ... liberalitate D. Antonii Fuggeri ... et labore Hieronymi Wölffii, graece et latine ...*, Basileae: per Ioannem Oporinum.
- K. Ziegler (1972), *Zonaras, Ioannes*, in *Realencyclopädie der classischen Altertumswissenschaft*, Zweite Reihe, 10A, col. 718–732.

JEFFREY MICHAEL FEATHERSTONE
Paris / Fribourg

BASILEIOS NOTHOS AS COMPILER:
THE *DE CERIMONIIS*
AND *THEOPHANES CONTINUATUS*

The texts conventionally known as the *De Cerimoniis* and *Theophanes Continuatus* are ascribed to – and were indeed commissioned in their original form by – the emperor Constantine VII, ostensibly with the purpose of providing compendia of imperial ceremonial and – we might call it – imperial history. The augmented redactions of the texts that have come down to us might at first seem simply to carry on by bringing the subject up to date, that is, to the accession of Nicephorus Phocas in 963. But on second view, both the original versions and the later redactions betray an underlying purpose of political propaganda. Though the literary circle around Constantine VII in which these texts were conceived remains for the most part anonymous, it is possible – I believe – to identify at least one member, perhaps the most important, who was also the final redactor of both texts, Basil the Nothos, or Bastard (d. 985), natural son of Constantine VII's father-in-law and co-emperor, Romanus I Lekapenos.¹

It is stated in the preface to Book I of the *De Cerimoniis* that this first Book was intended to bring order to the confused mass of old and obsolete ceremonies, so that the ruler's power might be revealed in more splendid fashion to his subjects. More or less the same is said in the preface to Book II, but the content there is to be ceremonies which have not yet been written up.² As I

¹ Featherstone 2011, p. 122.

² Preface to Book I : *De Cer.* Vogt I, 2, p. 4-5 ; to Book II: *De Cer.* Reiske, p. 516-517.

have tried to show elsewhere, many of the ceremonies described in Book I appear to have been part of a programme of reviving – or rather re-inventing – older, disused parts of the Great Palace which fitted in with the Macedonian dynasty's pretensions of returning to the imperial traditions of Constantine I and his successors, as opposed to the Iconoclastic rulers who preceded the Macedonians. As a visual component of this propaganda, Leo VI had re-opened the mausoleum of Constantine I in the church of the Holy Apostles to bury his father Basil I, the founder of the dynasty; and it was under Leo that Philotheos had composed his *Kleitologion*, or *Banquet Book* – again ostensibly restoring order, but surely also re-inventing long confused and forgotten ceremonies in the old dining hall of the Constantinian palace, the triklinos of the 19 Couches. Indeed, the *De Cerimoniis* could be considered as the completion of the programme of re-invention of old ceremonies begun under Leo VI. Philotheos's text was surely amongst the documents gathered for work on the original *De Cerimoniis* under Constantine VII and, as we shall see, Basil the Nothos included it in his redaction.³

Now, turning to *Theophanes Continuatus*, the prefaces to the first two of the three texts which make up this work, Books I-IV and the *Vita Basilii*, announce, in the guise of classicising history, the same political purpose as the *De Cerimoniis*: that of rendering the imperial office more venerable. Here, too, the political agenda of the Macedonian dynasty is in evidence. The full panoply of Classical literature – including perhaps Plutarch's lost *Life of Nero* – is brought to bear in order to present the murder of Michael III by the parvenu Basil I as an act of Providence, working to restore the imperial traditions of earlier rulers.⁴

³ For the re-invention of the old palace, see Featherstone 2013, p. 26–36. List of tombs of Basil, Leo VI, Constantine VII with their wives and relations in Constantine's mausoleum in *De Cerimoniis* II 43: *De Cer. Reiske* p. 643.4–20, cf. Asutay & Effenberger 2006, p. 120–127. Philotheos says at the end of his work that his instructions for ceremonies were issued by imperial decree (under Leo VI): Philotheos, p. 81.6 – 83.13.

⁴ Preface to Books I-IV: Vat. gr. 167, fol. 1-1v = *Theoph. Cont.* 4.15 – 5.6; to *Vita Basilii*: *Vita Basilii* 1.3–22 (p. 2–3). *Nero: Vita Basilii* 25.15–23 (p. 92–94). For the composition of *Theophanes Continuatus*, see Ljubarskij 1999, p. 127–134; Kazhdan 2006, p. 142–152; Featherstone 2012, *passim*.

A long associate of Constantine, Basil the Nothos had surely been involved with the composition of both the *De Cerimoniis* and *Theophanes Continuatus* in their original form, for as *parakoimomenos*, he was chief of the civil administration under Constantine VII. For some reason, however – most probably a deep-seated suspicion of all family members of his hated father-in-law Romanus Lekapenos –, Constantine, on his death bed, passed over Basil and appointed this latter's arch-rival, Joseph Bringas as regent for his young son, Romanus II. During the four years of the latter's reign, Basil bided his time. But upon the death of Romanus, Basil strenuously took part in the coup of Nicephorus Phocas against Bringas, whom Romanus had left as regent of his young sons, Basil II and Constantine VIII. In return for his help, Phocas restored Basil to the office of *parakoimomenos* and he also created a new dignity for him, Proedros, or president of the Senate.⁵

It was surely Basil himself who put together the archaising ceremonies for Phocas's accession which he subsequently appended at the end of Book I of his redaction of the *De Cerimoniis*. For some of the acclamations in these ceremonies, Basil borrowed from the description of the accession of Leo I in 474 by the sixth-century *Magister Officiorum*, Peter the Patrician, whose text, like that of Philotheos, must have been in the dossier of materials gathered for work on the *De Cerimoniis* under Constantine VII.⁶ The choice of these particular acclamations might have been dictated by the fact that Leo was the last emperor to have begun the ceremonies for his accession outside the city, as Phocas chose to do, perhaps to stress his military successes. It can hardly be coincidence that the re-fashioning of the Golden Gate with Late-Antique spolia as a triumphal arch occurred at this same time.⁷ An incurable antiquarian, to whom scholars now

⁵ On Basil's life and work, see most recently Wander 2012, esp. p. 93–132. The contemporary Leo the Deacon describes Basil's special relation to Phocas: ... Βασίλειος ὁ Νόθος, Ῥωμανοῦ τοῦ πάλαι αὐτοκράτορος ἐκ Σκυθίδος υἱός, τῷ τοῦ προέδρου ἐκδιαπρέπων ἀξιῳματι. Νικηφόρος δέ, μόνος τῶν λοιπῶν σεβαστῶν, ἐς γέρας τῷ ἀνδρὶ ταύτην ἐκαινοτόμησε τὴν τιμὴν· (Leo Diaconus, p. 94.3–6).

⁶ Accession of Phocas: *De Cer.* Reiske I 96, p. 434.10 – 441.11; of Leo I: *De Cer.* Reiske I 91, p. 401.5 – 416.11. For an example of the borrowed acclamations, see below Appendix 2.3 and 2.4. On the excerpting from Peter the Patrician in the *De Cerimoniis*, see most recently Sode 2011, p. 163–176.

⁷ See Mango 2000, p. 182.

attribute the Joshua Roll with its sketches, according to Stephen Wander after the manner of a Late-Antique historiated column,⁸ Basil surely had a part in this remodelling of the Golden Gate. Now, Otto Kresten has recently argued that the Joshua Roll in fact had nothing to do with any column, but should be seen as a sort of book-rotulus.⁹ Analogously, I think Basil has created a sort of *virtual* triumphal gate here in the *De Cerimoniis*, for he introduces the chapter on Phocas with excerpts from Peter the Patrician – literary spolia, we might call them – describing the accession of the emperors from Leo I down to Justinian. And then, after the chapter on Phocas, Basil ends Book I with a description of the ceremonies – again, surely concocted by himself – for his own promotion as *proedros* of the Senate.¹⁰ We shall return shortly to these additions on the accession of Nicephorus Phocas and the *proedros* in connexion with *Theophanes Continuatus*.

But, to continue with the *De Cerimoniis*: besides his additions at the end of Book I, Basil also appended, wholesale, at the end of Book II, various other texts and lists which, like that of Peter the Patrician, must have been left over in the dossier of materials gathered for work under Constantine VII. Of these we have already mentioned Philotheos's *Banquet Book*. There was also a list of all Roman emperors who reigned in Constantinople – we shall return also to this in connexion with *Theophanes Continuatus*. Further, there was a list of these same emperors' tombs (updated to include Constantine VII), lists of imperial garments and ceremonial objects, the list of bishoprics attributed to Epiphanius of Salamis, and various schedules of συνήθεια, or gratuities for imperial dignities – one of them apparently of Basil's own composing. All of these latter texts were included in both of the extant manuscripts of the *De Cerimoniis*.¹¹ But the texts added after these, at the very end of Book II, are different in the two manuscripts.

⁸ See Wander 2012, p. 79–92.

⁹ Kresten 2010, p. 42–57.

¹⁰ *De Cer.* Reiske I '97' (not numbered in the *Lipsiensis*), p. 441,12 – 443,22.

¹¹ For these texts in Book II, see Featherstone 2002, p. 475–479; Featherstone 2004, p. 115–121. The leaves containing the list of emperors has been cut out of the *Lipsiensis*; nor is this text preserved amongst the Vatopedi or Istanbul fragments of the palimpsest.

Let us now look at these manuscripts. In fact there are three, for one of them is preserved in two palimpsest fragments. The complete one is the Lipsiensis I.17, in the University library in Leipzig; the palimpsests are on Mount Athos (Vatopedinus 1003) and in the Greek Patriarchate in Istanbul (Chalcensis Sanctae Trinitatis 133 [125]) – at least it should be there; in fact, it has gone missing since the inventory of 1989. Both manuscripts appear to date from the third quarter of the tenth century, that is, to the time of Basil's redaction under Phocas. We cannot know whether the *De Cerimoniis* had been published in an earlier redaction, but it would appear from the *Pinakes* in these two manuscripts that they were both copied directly – each separately – from the dossiers containing the various documents of Books I and II. At the end of the *Pinax* to Book II in the Lipsiensis, after the last entry 'On Gratuities for Officials of the Hippodrome', two entries have been added, clearly separately from the preceding ones but by the same hand: the *Life* of Alexander – a version in ninety-four chapters, which is known to have circulated in the tenth century – and the early-Christian *Physiologus*, numbered respectively as chapters 56 and 57. Unfortunately, there is no trace of either text, as the signatures at the end of the manuscript which would have contained them have been lost.¹²

Nor were these texts ever in the other manuscript of the *De Cerimoniis*, for in their place in the *Pinax* to Book II in the Vatopedi fragment, another title is listed: a protocol for the *roga* of the Senate on Palm Sunday. It is possible that this protocol, like the preceding one on gratuities in the Hippodrome, was of Basil's own composition and that he included it here in what was intended as the manuscript of the *De Cerimoniis* for himself.¹³ This would fit with the Basil's copy ending up on Athos, as other of his books did after his banishment and the confiscation of his

¹² Fig. 1 (fol. 175 of the *Lipsiensis*). Titles of chapters I 56 and I 57 in the last three lines of text. About the *Lipsiensis*, see Featherstone 2002. About the palimpsest fragments, see Featherstone, Gruskova & Kresten 2005. About the versions here of the *Life* and the *Physiologus*, see Featherstone 2004, p. 115.

¹³ Fig. 2 (fol. 75 of the Vatopedinus). Title of the chapter on the *roga* for Palm Sunday in the last three lines of palimpsest text. This title will be published in a subsequent part of Featherstone, Gruskova & Kresten 2005, to appear in the *Sitzungsberichte der Österreichischen Akademie der Wissenschaften*.

property in 985.¹⁴ The reason for the last protocol's absence in the Lipsiensis – which may have been a copy intended for the Palace – might be due to its having gone missing at the end of the dossier before the Lipsiensis was copied. On the basis of the Pinakes, it appears that both manuscripts were copied directly from the dossier of original documents, but it is impossible to say which was copied first. It is also possible that the Lipsiensis was first, before the *roga* for Palm Sunday had been written – probably by Basil himself, as we have said – and that Basil then included it in his own manuscript. In any case, rather than posit some special purpose for the inclusion of the *Life* of Alexander and the *Physiologus* in the original version of the *De Cerimoniis* – some scholars have suggested the edification of the young Romanus II – I would rather see it as an afterthought, especially since the entries were added later in the Pinax. Perhaps Basil found these texts in a related dossier: that for the work under Constantine VII on what would become *Theophanes Continuatus*, in particular the *Vita Basilii*, where it is claimed that Basil I's mother was descended from Alexander the Great.¹⁵

Now, unlike the two contemporary manuscripts of the *De Cerimoniis*, we have only one later, eleventh-century manuscript of *Theophanes Continuatus*, the *Vat. gr.* 167. This manuscript comprises three separate texts, of which we have already mentioned the first two.¹⁶ The first text recounts the reigns of Leo V, Michael II, Theophilus and Michael III, and is divided accordingly into Books I to IV in the manuscript and in the Bonn edition. The second text, the *Vita Basilii*, or biography of Constantine VII's grandfather Basil I, is numbered Book V in the Bonn edition, though it has no number in the manuscript and was apparently written before the first four Books, which contain references to it.¹⁷ Like the original

¹⁴ About Basil's books, see Bevilacqua 2012, p. 191–192; Wander 2012, p. 102–103.

¹⁵ Basil's descentance from Alexander: *Vita Basilii*, p. 12.25–27. On the relation of the palimpsest and *Lipsiensis* to the dossier, see Featherstone, Gruskova & Kresten 2005, p. 426–427.

¹⁶ On *Vat. gr.* 167, see Serventi 2001 and, most recently, C. Mango's introduction to the *Vita Basilii*, p. 14* sq.

¹⁷ The author refers (in Book II) to facts concerning Arab conquests in Italy and (in Book IV) to Basil's personal background which 'will be revealed in the history concerning him': *Theoph. Cont.*, p. 83, 12–16 and p. 207, 17–19.

parts of Books I and II of the *De Cerimoniis*, these first two texts of *Theophanes Continuatus* were produced in the circle of Constantine VII, apparently on the basis of pre-existing texts which the circle had produced collectively and part of which the author of the text ascribed to Genesius also used. These texts represent a revival or, better, a re-invention of the genre of History, which had given way to the Chronicle during the Dark Ages. Finally, there is Book VI of the Bonn edition, which is unnumbered in the manuscript and contains chapters on the reigns of the emperors from Leo VI to Romanus II. This last part was added by the later redactor during the reign of Nicephorus Phocas, who is referred to in the text as the ‘victorious emperor’.¹⁸ We shall return to this third part, but first let us look at the first two.

In the preface to the *Vita Basilii*, Constantine VII – or rather his ghost writer – states that he would have wanted to write up the reigns of all Roman emperors who had ruled in Constantinople from the beginning down to his own day – which of course reminds us of the list of these emperors in Book II of the *De Cerimoniis*. But because the matter, quote, ‘required much time and constant toil and an abundance of books and leisure from public affairs, none of which was at his disposal, Constantine has taken a second course, that is, for now, to recount from the beginning to the very end the deeds and way of life of one emperor, Basil I, who raised the empire to greatness’.¹⁹ Again, we stress the tendentious nature in favour of the Macedonian dynasty of both the *Vita Basilii* and Books I–IV of *Theophanes Continuatus*. Both represent a highly Classicising re-invention of the genre of History as a vehicle for propaganda amongst the same litterati of the imperial court whom the re-invented ceremonies in Book I of the *De Cerimoniis* were intended to impress.

However, with the third part of *Theophanes Continuatus*, labelled Book VI in the Bonn edition, we return to the style of the chronicle. This can be explained by the fact that there was no longer any such circle as had produced the Classicising common source of the *Vita Basilii*, Books I–IV and Genesius. The redactor – Basil, we believe – used whatever source he could find.

¹⁸ ‘Victorious emperor’: *Theoph. Cont.*, p. 378.16–17.

¹⁹ *Vita Basilii*, p. 2.7 – 4.18.

In fact, he has followed the wish expressed by Constantine VII in the preface to the *Vita Basilii* to bring the narrative down to the present time, in this case, to Constantine's son and successor, Romanus II. The list of emperors who reigned in Constantinople appended to Book II of the *De Cerimoniis* – probably also left over in a dossier from the time of Constantine VII – has likewise been brought down to Romanus II. But of course, Basil did not act out of the desire to fulfil the wish of Constantine, who had appointed his archenemy Joseph Bringas as regent for Romanus. Nor did he intend it as any sort of tribute to Romanus. His purpose was to flatter Phocas, who, as we have said, is called 'the victorious emperor'.

Similar to the scissors-and-paste method used to bring the *De Cerimoniis* down to the time of Phocas, Basil now copied from – perhaps commissioning another version of? – the Logothete Chronicle. From wherever it was taken, the work in Book VI of *Theophanes Continuatus* is sloppy. Many details of the Palace and ceremonial have been added throughout, which must surely have given Basil pleasure; and the fact that the anti-Macedonian bias was allowed to stand in the first part might be explained by Basil's displeasure with Constantine for having favoured the hated Bringas over him as regent for Romanus II. But then in the second part of the text, beginning with the sole-reign of Constantine VII, the presentation of Basil is ambiguous, and there is outright praise for Bringas – for example in Appendix 1.1 (below). Although Basil's great devotion to Constantine VII is beyond doubt here, and his part in the ceremonies for Constantine's funeral, in perfect keeping with prescriptions for imperial funerals in the *De Cerimoniis* (cf. Appendix 1.5), are in the spotlight, the remarks about Basil and the chamberlains being unable to do anything except shed, quote, 'vain tears', could perhaps be interpreted in a negative way. One wonders whether this description of Constantine's funeral was simply taken over directly from the source of the second part of Book VI – Theodore Daphnopates according to some scholars. Or is there tampering here by Basil? In either case, it is a botch job.²⁰

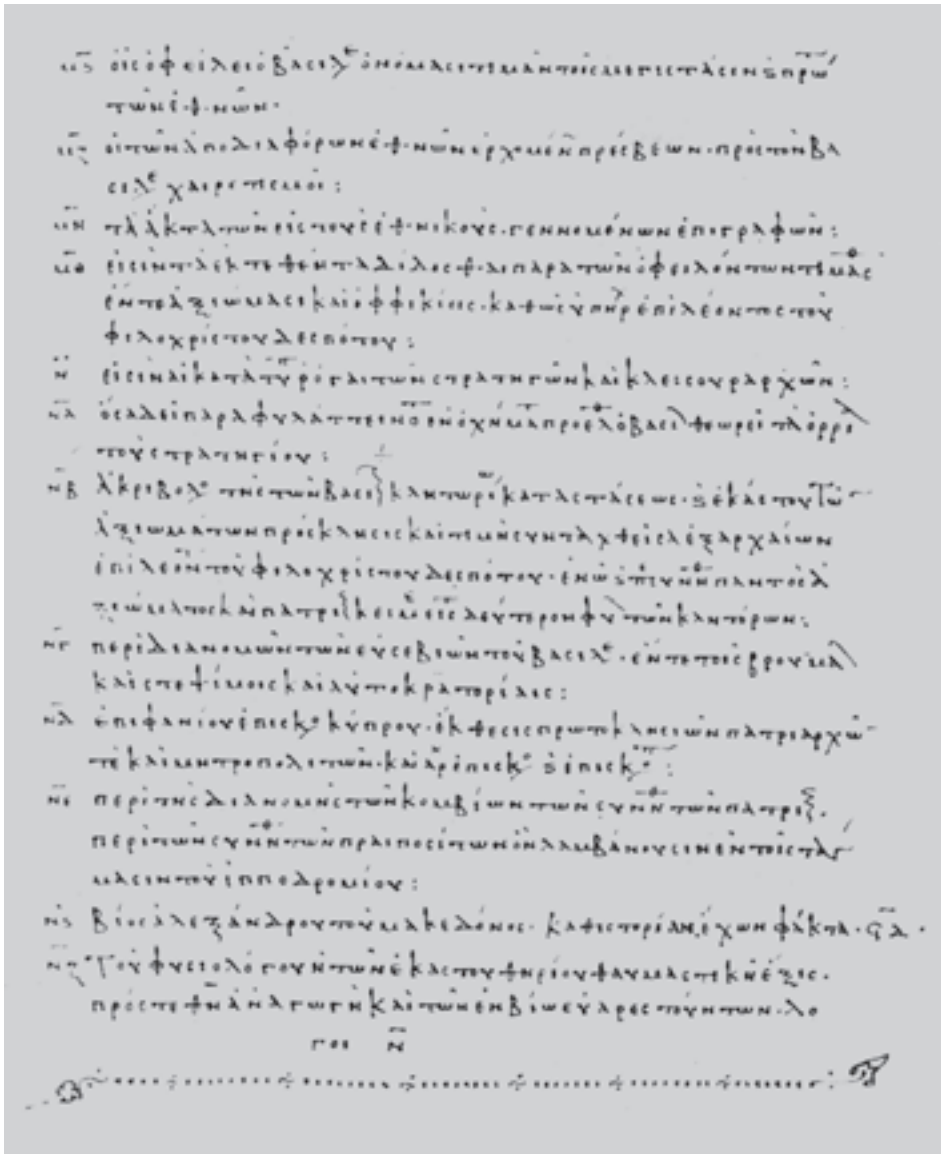
²⁰ Book VI of *Theophanes Continuatus* is very close to Version B of the Logothete Chronicle (Featherstone 2012, p. 132-135), but contains more details of

Much more successful is chapter 96 of Book I of the *De Cerimoniis* – we have already mentioned it in connexion with the acclamations taken from Peter the Patrician. But it is the beginning of this chapter that I want to look at now, in Appendix 2.2. Here the scissors-and-pasting crosses over from one of Basil's compilations to the other. Since *Theophanes Continuatus* could not properly include a chapter on Phocas, in as much as he was still alive, Basil has created a sort of hybrid chapter in the *De Cerimoniis* by grafting on there a text which begins as a chapter on the reign of an emperor might have begun in Book VI of *Theophanes Continuatus*, with a lengthy, detailed account of the circumstances of Phocas's advent to power (cf. Appendix 2.2 and 2.1). Then, with the description of the accession ceremonies, the chapter finishes in keeping with the preceding chapters on accessions in the *De Cerimoniis*, including the acclamations copied from those for Leo I in Peter the Patrician (cf. Appendix 2.3 and 2.4).

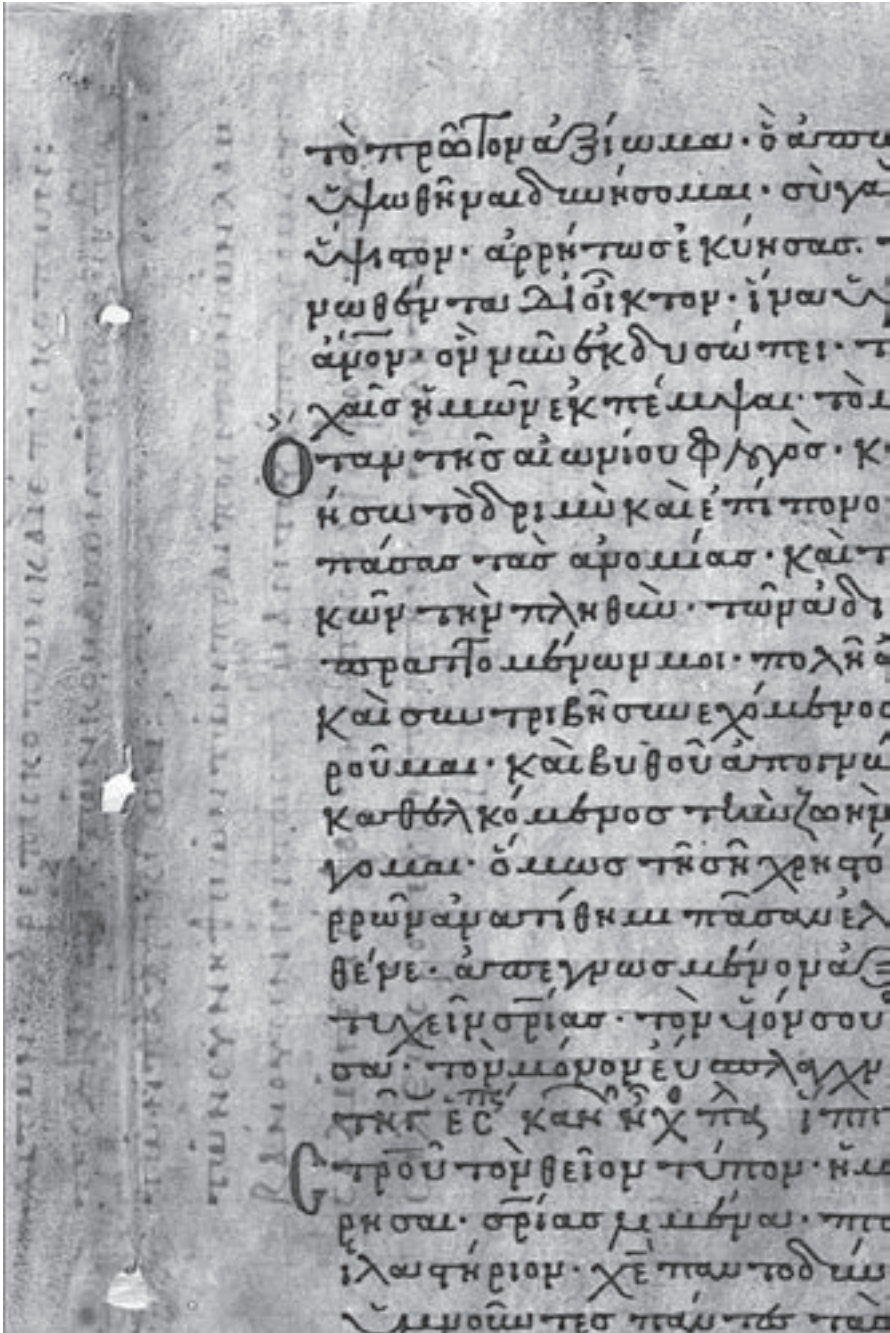
In sum, in addition to the obvious need for preserving the peculiarities of each of the various texts comprised in the *De Cerimoniis* and *Theophanes Continuatus*, I would propose that a future editor should mark Basil's work as compiler by reproducing with equal authority both versions of the Pinax to Book II of the *De Cerimoniis*. And why not also append the chapter on Phocas in the *De Cerimoniis* at the end of *Theophanes Continuatus*?²¹

the Palace and ceremonial, compare, e.g., below Appendix 1.1 and 1.6. Kazhdan 2006, p. 152–153 attributed the second part of Book VI (= Theoph. Cont., 436 sqq.) to Daphnopates, but Ševčenko 1998, p. 169 and n. 6, argued against this. For several parallels with Daphnopates, see Appendix 1.2, 1.3, and 1.4.

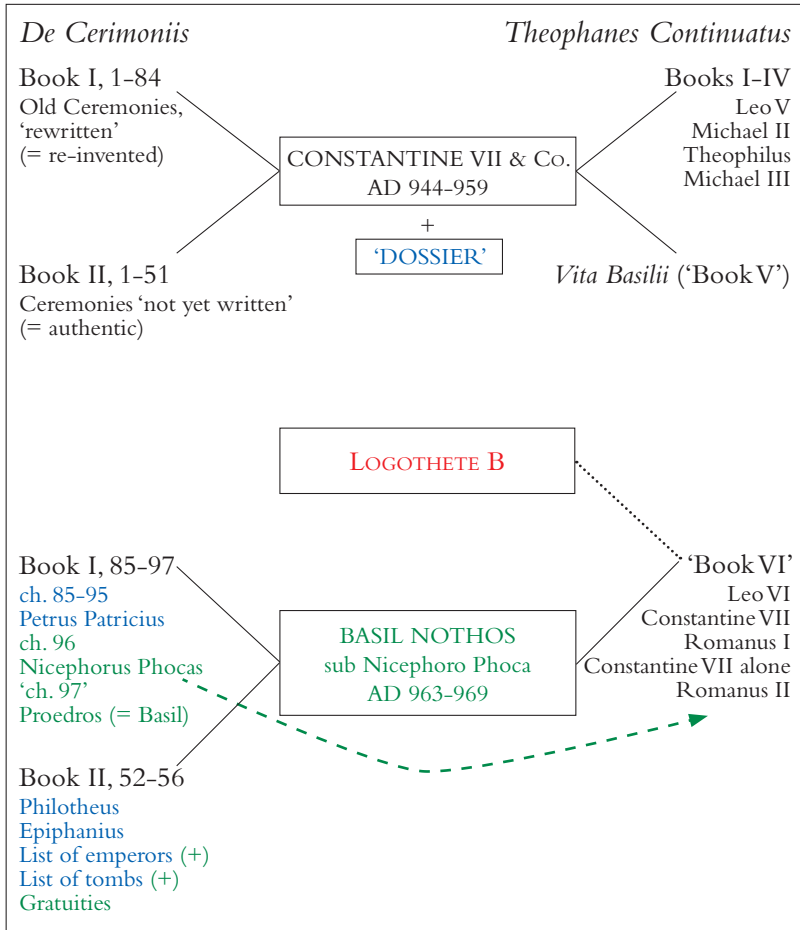
²¹ For the layers of composition of the *De Cerimoniis* and *Theophanes Continuatus* see Fig. 3. Chapters added to the *De Cerimoniis* by Basil the Nothos are marked in blue and green. Blue indicates material taken from the dossier gathered for the work on the original *De Cerimoniis* under Constantine VII; green indicates additions by Basil. Since Nicephorus Phocas was still alive and could have no chapter of his own in *Theophanes Continuatus*, the account of the beginning of his reign was added at the end of Book I of the *De Cerimoniis* (together with the promotion of Basileios to the office of *Proedros*, which Phocas had created for him).



Pl. 1: Leipzig, Universitätsbibliothek, I.17, fol. 175.



Pl. 2: Mount Athos, Μονὴ Βατοπεδίου 1003, fol. 75
 (Ultra-violet image © Forth Photonics, Athens).



Pl. 3: Interrelation of the composition of *Theophanes Continuatus* and the *De Cerimoniis*. Chapters added to the *De Cerimoniis* by Basil the Nothos marked in blue and green: blue for material taken from the dossier for work on the original *De Cerimoniis* under Constantine VII, green for additions by Basil. Cf. n. 21.

APPENDICES

1.1. Vat. gr. 167 [V], fols 163v-164v = *Theoph. Cont.* VI,
p. 466, 11-468, 14 (Αὐτοκρατορία Κωνσταντίνου
[viz. Constantine VII])

SIGLA CODICUM

V *Vaticanus* gr. 167 (XI s.)

L *Lipsiensis* Rep. I 17 (X. s.)

- Ἐπεὶ δὲ τὰ τελευταῖα πνέων ὠρᾶτο ὁ πορφυρογέννητος Κωνστα-
ντίνος, Ῥωμανὸν τὸν υἱὸν αὐτοῦ αὐτοκράτορα βασιλέα ἐποίησεν,
παραδοὺς καὶ ὀρκώσας Ἰωσήφ πατρίκιον καὶ πραιπόσιτον τοῦ
διαφυλάξαι αὐτὸν τῇ αὐτοῦ ἐντροχείᾳ καὶ πυκνώσει· καὶ γὰρ
5 τοιοῦτος ἦν ὁ ἀνὴρ, πυκνὸς καὶ ὀρθὸς καὶ πιστὸς καὶ πρὸς τὰ πο-
λιτικὰ διοικήματα ἀετοῦ ταχύτερος, εἰς δὲ τὸ ἀπροσωπόληπτον
καὶ εὐσεβὲς καὶ δίκαιον τοιοῦτον ἕτερον μὴ γνωρίζεσθαι. Ἡ δὲ
αὐγούστα Ἑλένη σὺν τοῖς τέκνοις αὐτῆς καὶ τῷ πατρικίῳ καὶ πα-
ρακοιμωμένῳ Βασιλείῳ καὶ τοῖς κοιτωνίταις, ὡς ἑώρων τὸν ἄνα-
10 κτα Κωνσταντίνον ψυχορραγοῦντα καὶ συγκοπτόμενον, περιχυ-
θέντες τῇ κλίνῃ κλαυθμοῖς καὶ ὀδυρμοῖς ἀμέτροις περιρραίνοντες
ἀπωλοφύροντο καὶ ἀπωδύροντο τοιοῦτον δεσπότην, καὶ πλέον
οὐδὲν ὠφέλησαν ἢ κωφοῖς καὶ κενοῖς δάκρυσι καταπλύνοντες τὸ
βασιλικὸν ἐκεῖνο σῶμα. Καὶ δὴ τὴν κλίνην αὐτοῦ ἀμφοτέρων πε-
15 ρικυκλούντων καὶ ταῖς πολλαῖς οἰμωγαῖς κοπτομένων, καὶ πρὸς τὰ
τέλη πάντη ὧν ὁ γλυκὺς καὶ πλουτοδότης βασιλεὺς, χοροστασί-
αι ἁγίων καὶ δικαίων μαρτύρων καὶ ἱεραρχῶν παρίσταντο, καὶ τὸ
πανάγιον αὐτοῦ πνεῦμα χερσὶν ἀγγελικαῖς παρέθεντο. Καὶ τάχιον
τοῦτον ἀποσμήξαντες προέθηκαν ἐν τοῖς δεκαεννέα κουβίτοις.
20 Καὶ ψαλμοῖς τοῦτον τελέσαντες παρευθὺ ἐξήγαγον, καὶ πρὸς τὴν

1 ὠρᾶτο V 7 εὐσεβὲς Boor : εὐσεβῆς V edd | δίκαιος edd | ὡς τοιοῦτον Bekk
| Ἡ δὲ om. edd 8 σὺν καὶ edd 10 ψυχορραγοῦντα V 13 δάκρυσιν V | κατα-
πλύνοντες V 17 δικαίων μοναχῶν τε καὶ edd 19 κουβήτοις V : ἀκουβίτοις edd

Χαλκὴν ἀποθέντες, τελευταῖον ἀσπασμὸν ὁ ἀρχιερεὺς καὶ οἱ ἱερεῖς
καὶ οἱ μάγιστροι καὶ οἱ πατρίκιοι καὶ ἡ πᾶσα σύγκλητος κατησπά-
ζοντο· καὶ ὁ τῆς καταστάσεως, ὡς ἔθος ἦν, ἀνακράξας «Ἐξελθε,
25 βασιλεὺς· καλεῖ σε ὁ βασιλεὺς τῶν βασιλευόντων καὶ κύριος τῶν
κυριευόντων», καὶ τοῦ πλήθους καὶ ὄχλου βοῇ καὶ κωκυτὸν καὶ
ὀδυρμὸν βαλλόντων, καὶ ἐπὶ τρίτῳ τοῦτο φωνήσαντος, παρευθὺ
ἄραντες τὸν ἀνακτα ἐξήγαγον ἀπὸ τῶν βασιλικῶν δόμων ἐπὶ τὴν
λεωφόρον, καὶ πρὸς τὸν ναὸν τῶν Ἀγίων Ἀποστόλων ἔφερον, τῆς
συγκλήτου πάσης προπεμπούσης, καὶ ἅσμασι προπομπίαις τὴν
30 ἔξοδον μεγαλύνοντες.

Καὶ τί δεῖ λέγειν εἰς τὸν συνελθόντα λαὸν καὶ ὄχλον τῆς πολιτεί-
ας, τῶν μὲν ἀφ' ὕψους τὸ βασιλικὸν ἐκείνο σκῆνος κατοπευόντων,
τῶν δὲ πλησίον παραθεωρούντων, καὶ ἄλλων μὲν ἐξ οἰκοδομῶν
καὶ οἰκημάτων μετεώρων καὶ ὑψηλῶν προκυπτόντων καὶ πρὸς τὴν
35 θέαν τῆς κλίνης ἐπυρριπτόντων, τῶν δὲ κρυφίως μυρομένων καὶ
στεναγμοῖς ἐγκαρδίαις κλονουμένων, καὶ ἄλλων ὀδυρμοῖς κατα-
ξαινομένων, καὶ ἄλλων τινῶν ὀξύτερον ἐπικωκύνοντων, καὶ συν-
θλιβόμενοι καὶ ἀπολοφυρόμενοι τῷ κοινῷ δυστυχήματι, τινῶν καὶ
δάκρυα κρουνηδὸν προχεόντων καὶ τὴν χρυσοκόλλητον κλίνην
40 καταρδευόντων καὶ καταρραινόντων. Ὡς δὲ τὸν ναὸν τῶν Ἀγίων
Ἀποστόλων προσήγγισαν καὶ ἔσω τὸ βασιλικὸν δορυφορούμενον
ἐφαίνετο σῶμα, ὁ πατρίκιος καὶ παρακοιμώμενος Βασίλειος τὸ
πανάγιον αὐτοῦ σῶμα ταῖς οἰκείαις <χερσί>, ὡς ἔθος τοῖς νεκροῖς
ποιεῖν, λαζαρώσας, καὶ τοῦ τάφου ἦτοι τοῦ λάρνακος εὐτρεπι-
45 σθέντος καὶ σηκωθέντος, κατέθετο μετὰ Λέοντος βασιλέως τοῦ
πατρὸς αὐτοῦ. Τὴν δὲ πατρικὴν ἐνότητα καὶ ἀγάπην οὐδὲ μετὰ
θάνατον καὶ ταφὴν ὁ φίλτατος υἱὸς ἀπέστρεψεν.

1.2. Theod. Daphn., *Epistle* 37, l. 5 sq.

Ἄρτι μὲν γὰρ ὑμῖν κείρεται βότρυς ὥριμος, ἡδὺ μὲν θέαμα καὶ
ἀμπέλων κλάδου ἀπαιωρούμενος, πλατεῖ δὲ τῷ φύλλῳ καὶ μαλ-
θακῇ καταπυκαζόμενος, [...] χρώματι μὲν ἀλουργεῖ κατακόρως

21 ἀσπασμός V 24 βασιλεὺς V : βασιλεὺ edd 25 καὶ : τοῦ edd | κωκυτὸν V 26 ὀδυρμῶν V | ἐπὶ τρίτῳ : τοῦ τρίτου edd | τούτῳ V 31 δεῖ : δὴ V 32 ἐκείνον V 35 μυρωμένων V 38 τινῶν δὲ καὶ τὰ edd 39 κλίνην Bekk Boor : ἐκείνην V : ἐκείνην κλίνην Boor dubitanter in app. 40 τῷ ναῷ edd 43 χερσί add Boor in app. 45 συκοθέντος Bekk : συκοθέντες V

- 5 βαπτόμενον, ἐπεικῶς δὲ πρὸς τὸν ἥλιον ἀποσιλβοντα τῇ τε πυκνώσει τῆς ῥαγὸς καὶ συνθήκῃ καὶ τάξει κατὰ στίχον τε καὶ ῥυθμὸν συνεχιζόμενον ἐναρμόνιον [...]

1.3. Theod. Daphn., *Epistle* 36, l. 63 sq.

Συνετετριγέσαν δὲ τοῖς κάλωσιν ὃ τε ἰστός καὶ ἡ κεραία καὶ ὅσον οὐπὼ τὴν συντριβὴν ἐπιγγέλλοντο. Ἐπάφλαζε τὸ πνεῦμα, ἐπέκλυζε τὸ κύμα, ἡ ναὺς ἐκυβίστα, τοῖς κύμασι συνορχουμένη. Πάντα θρήνων, πάντα κωκυτοῦ πλήρη·

1.4. Theod. Daphn., *Epistle* 37, l. 54 sq.

Ἄρτι δὲ κυνηγέσια συγκροτεῖται, καὶ κατ' ἀγροτέρων ὑμῖν θηρίων ὄπλα παρασκευάζεται καὶ ῥόπαλον καθίσταται καὶ μάχαιρα στομούται καὶ δόρυ θήγεται καὶ ἀκόντιον εὐτρεπίζεται.

1.5. *De Cer.* Reiske, I 60 [69], p. 275,14–276,20

- Ἐπιτάφιος βασιλέων. Ἐξέρχεται τὸ λείψανον διὰ τοῦ καβαλλαρίου, καὶ τίθεται εἰς τὰ ἰθ' ἀκούβιτα ἡ χρυσὴ κλίνη ἡ ἐπονομαζομένη λύπης, καὶ πρόκειται ἐκεῖσε τὸ αὐτὸ λείψανον, ἐστεμμένον μετὰ διβητησίου καὶ χρυσῆς χλαμύδος καὶ καμπαγίων, καὶ εἰσέρχονται
- 5 οἱ τῆς ἀγίας Σοφίας γήλωνες καὶ ὁ κλῆρος, ὡσαύτως καὶ πᾶσα ἡ σύγκλητος ἀπὸ σκαραμαγγίων, καὶ ψάλλουσιν κατὰ ἀκολουθίαν. εἰθ' οὕτως νεύει ὁ πραιπόσιτος τῷ τῆς καταστάσεως, καὶ λέγει ἐκεῖσε· «ἔξελθε, βασιλεῦ, καλεῖ σε ὁ βασιλεὺς τῶν βασιλευόντων καὶ κύριος τῶν κυριευόντων». τοῦτο λέγει τρίτον, καὶ παραυτίκα
- 10 αἶρεται τὸ λείψανον παρὰ τῶν βασιλικῶν, καὶ πάλιν εἰσφέρουσιν αὐτὸ ἔνδον τῆς χαλκῆς, καὶ τιθέασιν αὐτὸ ἐκεῖσε, καὶ ποιοῦσι τὰ ἐξ ἔθους. καὶ ὅτε ὀφείλει ἀρθῆναι τὸ λείψανον, νεύει ὁ πραιπόσιτος τῷ τῆς καταστάσεως, καὶ ἄρχεται λέγειν ἐκ τρίτου τό· «ἔξελθε, βασιλεῦ» καὶ τὰ ἐξῆς, καὶ εἰθ' οὕτως ἐξέρχεται τὸ λείψανον ἀπὸ
- 15 τῆς χαλκῆς, βασταζόμενον ὑπὸ βασιλικῶν πρωτοσπαθαρίων, καὶ διέρχεται διὰ τῆς μέσης, καὶ τὸν τόπον καταλαβόντων, ἐν ᾧ μέλλει κηδευθῆναι, γίνεται ἡ ἀκολουθία τῆς ψαλμωδίας καὶ τὰ συνήθη. εἶτα νεύει πάλιν ὁ πραιπόσιτος τῷ τῆς καταστάσεως, καὶ ποιεῖται τὴν ἀναφώνησιν οὕτως· «εἰσελθε, βασιλεῦ, καλεῖ σε ὁ βασιλεὺς
- 20 τῶν βασιλευόντων καὶ κύριος τῶν κυριευόντων», ἐκ τρίτου. εἰθ'

οὔτως· «ἀπόθου τὸ στέμμα ἀπὸ τῆς κεφαλῆς σου» καὶ εὐθέως αἷρεται παρὰ τοῦ πραιποσίτου, καὶ τίθεται σημεντέϊνον μετὰ πορφυράς λιτῆς, καὶ τίθεται ἐν τῷ μνημείῳ.

1.6. Logothete Chronicle Version B Markopoulos,
p. 96, 33–38

Καὶ [...] Ῥωμανὸν τὸν υἱὸν αὐτοῦ αὐτοκράτορα ἀνέδειξεν, ὀρκώ-
σας Ἰωσήφ πατρίκιον καὶ πραιπόσιτον τοῦ διαφυλάξαι αὐτὸν τῇ
αὐτοῦ ἐντρεχείᾳ καὶ φρονήσει. Τελευτήσαντος δὲ αὐτοῦ τὸ σῶμα
αὐτοῦ κατετέθη ἐν τῷ ναῷ τῶν Ἁγίων Ἀποστόλων, Βασιλείου πα-
5 τρικίου καὶ παρακοιμωμένου, ὡς ἔθος ἐστί, τοῦτο ἐνταφιάσαντος.

2.1. Vat. gr. 167 [V], fol. 164v = *Theoph. Cont.* VI,
p. 468, 23–470, 1 (Αὐτοκρατορία Κωνσταντίνου
[viz. Constantine VII])

[...] ἐτελεύτησεν δὲ [viz. Constantine VII] μηνὶ Νοεμβρίῳ πεντε-
καιδεκάτῃ, ἰνδ. γ', ἔτει ἀπὸ κτίσεως κόσμου ἑξακισχλιοστῷ τε-
τρακοσιοστῷ <...>, καταλείψας αὐτοκράτορα Ῥωμανὸν τὸν υἱὸν
αὐτοῦ καὶ Ἑλένην ἀνγούσταν τὴν μητέρα Ῥωμανοῦ.
5 Βασιλεία Ῥωμανοῦ, υἱοῦ Κωνσταντίνου τοῦ πορφυρογεννή-
του [viz. Romanus II]. Ῥωμανὸς ὁ βασιλεὺς κατελείφθη αὐτο-
κράτωρ παρὰ τοῦ πατρὸς αὐτοῦ τοῦ πορφυρογεννήτου Κωνστα-
ντίνου ἐτῶν ὧν εἴκοσι καὶ ἑνός, τοῦ πορφυρογεννήτου Βασιλείου
ἐνιαυσιαίου ὄντος, <σὺν> καὶ τῇ μητρὶ αὐτοῦ Ἑλένῃ καὶ Θεοφανῷ
10 τῇ συνεύνω αὐτοῦ, μηνὶ Νοεμβρίῳ ζ' ἰνδ. γ', ἔτους ἀπὸ κτίσεως
κόσμου ,ζυ<...> καὶ παρευθὺς τοὺς κοιτωνίτας καὶ ἀνθρώπους
τοῦ πατρὸς αὐτοῦ πατρικάτα καὶ πρωτοσπαθαράτα τιμήσας καὶ
ἐν ἐτέροις ἀξιώμασιν ὑπερβιβάσας <καὶ> δώροις καταπλουτίσας
τῶν βασιλικῶν δόμων τοῦ παλατίου κατήγαγεν. Ἐξελέξατο δὲ καὶ
15 προέκρινε παραδυναστεύοντας καὶ πρώτους τοὺς τῆς συγκλήτου
Ἰωσήφ πατρίκιον πραιπόσιτον καὶ δρουγγάριον τῶν πλωίμων,
ὄντινα καὶ μετὰ βραχὺ παρακοιμώμενον προανεβίβασεν καὶ πᾶ-
σαν ἐξουσίαν καὶ φροντίδα τοῦ ὑπηκόου ἀνατέθεικεν.

2 ἔτει Boor : ἔτους V edd 3 τετρακοσιοστῷ + ξθ' manu posteriori scripta + spa-
tium ad 3 litteras V : τετρακοσιοστῷ ἑξηκοστῷ ἐννάτῳ edd | τὸν Ῥωμανὸν edd
4 τὸν υἱὸν αὐτοῦ om. edd 8 ὧν Boor e PsSym : ὥς V 9 σὺν add. Boor : ἀμα
add. edd 11 post ,ζυ spatium ad 3 litteras V 13 καὶ add. edd | καταπλουτήσας
V 16 πατρίκιον edd : πατρίον V

2.2. Lipsiensis I.17 [L], fol. 168v= *De Cer.* Reiske, I 96 [105],
p. 433,13-434,13

ρε' Ἀναγόρευσις Νικηφόρου βασιλέως τοῦ γεγονότος δομεστίκου
τῶν Σχολῶν τῆς Ἀνατολῆς τοῦ φιλοχρίστου καὶ ἀνδρειοτάτου.

- Τελευτήσαντος Ῥωμανοῦ βασιλέως τοῦ νέου, υἱοῦ Κωνσταντίνου τοῦ μεγάλου καὶ πορφυρογεννήτου βασιλέως Ῥωμαίων τοῦ
- 5 Μακεδόνοσ, εἰς μῆνα Μάρτιον ιε', ἰνδ. ζ', ἔτους ,ζυοα', τῇ τεσσαρακοστῇ τῶν νηστειῶν, κατέλειπεν τὴν ἑαυτοῦ βασιλείαν Βασιλείῳ καὶ Κωνσταντίνῳ, τοὺς νηπίους υἱοὺς αὐτοῦ καὶ τὴν ἰδίαν γαμετὴν καὶ αὐγούσταν Θεοφανῶ βασιλεύειν τῆς Ῥωμαίων ἀρχῆς, κατέλειπεν δὲ καὶ τὸν παρακοιμώμενον Ἰωσήφ οἰκονομοῦντα
- 10 τὰ τοῦ κοινοῦ πράγματα. ἐκράτησεν δὲ ἡ τῶν ῥηθέντων προσώπων ἐξουσία ἀπὸ πεντεκαιδεκάτην μηνὸς Μαρτίου ἰνδ. ζ' μέχρι Αὐγούστου πεντεκαιδεκάτης, ἰνδ. τῆς αὐτῆς. Ἰουλίου δὲ μηνὸς δευτέρῳ, ἰνδ. ὁμοίως, ἀνηγορεύθη ἐν τοῖς τῆς ἀνατολῆς μέρεσιν ὁ εὐσεβὴς καὶ φιλόχριστος βασιλεὺς ἡμῶν Νικηφόρος παρὰ τοῦ
- 15 ἰδίου στρατοπέδου βασιλεὺς Ῥωμαίων. Ἐν Καισαρίᾳ γὰρ τοῖνυν τῆς Καππαδοκῶν ἐπαρχίας ἐν τῷ κάμπῳ, μαγίστρου αὐτοῦ ὄντος καὶ δομεστίκου τῶν σχολῶν, συναχθέντες πάντες οἱ στρατηγοὶ καὶ τὰ τάγματα, ἀνηγόρευσαν αὐτὸν βασιλέα. Τοῦ δὲ μὴ βουλομένου, ἀλλὰ πρὸς τὸν πόλεμον τῶν Ἰσμαηλιτῶν ἐπισπεύδοντος καὶ τὸν
- 20 λαὸν εἰς τοῦτο προτρεπομένου, αὐτοὶ μᾶλλον σπεύσαντες βίᾳ καὶ μὴ βουλόμενον ἐκ τῆς τέντης ὑψώσαντες ἀνηγόρευσαν αὐτὸν βασιλέα.

2.3. Lipsiensis I.17 [L], fol. 170v = *De Cer.* Reiske, I 96 [105],
p. 439, 7-17

- [...] καὶ ἀπὸ τοῦ φόρου πεζοπορῶν εἰσῆλθεν εἰς τὴν ἀγίαν Σοφίαν μετὰ λιτῆς καὶ τοῦ τιμίου σταυροῦ, καὶ στὰς εἰς τὸ ὥρολόγιον εὐφημίσθη παρὰ τῶν δύο μερῶν οὕτως· «Νικηφόρον βασιλέα τὸ
- 5 πρᾶγμα τὸ δημόσιον αἰτεῖ. Νικηφόρον οἱ νόμοι ἐκδέχονται. Νικηφόρον τὸ παλάτιον ἐκδέχεται· αὐταὶ εὐχαὶ τοῦ παλατίου· αὐταὶ ἐντεύξεις τοῦ στρατοπέδου· αὐταὶ εὐχαὶ τῆς συγκλήτου· αὐταὶ εὐχαὶ τοῦ λαοῦ· Νικηφόρον ὁ κόσμος ἀναμένει· Νικηφόρον ὁ στρα-

1 ρε' marg. maiusc. L : ρς' Reiske 2 ἀνδριωτάτου L 6 κατέλειπεν L Reiske
9 κατέλειπεν L Reiske 10 ῥηθέντων L 15 στρατοπαίδου L | τοῖνυν : τῇ νῦν Reiske

τὸς ἐκδέχεται· τὸ κοινὸν καλὸν Νικηφόρον ἐκδέχεται· τὸ κοινὸν
 ἀγαθόν, Νικηφόρος, βασιλεύσει· εἰσάκουσον, ὁ Θεός, σὲ παρακα-
 10 λούμεν·

2.4. Lipsiensis I.17 [L], fol. 161r-v = *De Cer.* Reiske, I 91 [100],
 p. 410,11-411,3

(Ἀναγόρευσις Λέοντος βασιλέως τοῦ τῆς θείας λήξεως)

[...] καὶ τῶν λαβάρων καὶ τῶν σίγνων ἐπ' ἐδάφους κειμένων, ἤρξα-
 ντο πάντες κράζειν οὕτως· «Εἰσάκουσον, ὁ Θεός, σὲ παρακαλοῦ-
 μεν· ἐπάκουσον, ὁ Θεός· Λέοντι ζωή· εἰσάκουσον, ὁ Θεός· Λέων
 βασιλεύσει. Θεὲ φιλόανθρωπε, Λέοντα βασιλέα τὸ πρᾶγμα τὸ δη-
 5 μόσιον αἰτεῖ· ὁ στρατὸς Λέοντα βασιλέα αἰτεῖ· Λέοντα οἱ νόμοι ἐκ-
 δέχονται· Λέοντα τὸ παλάτιον ἐκδέχεται· αὐταὶ εὐχαὶ τοῦ παλατί-
 ου· αὐταὶ ἐντεύξεις τοῦ στρατοπέδου· αὐταὶ εὐχαὶ τῆς συγκλήτου·
 αὐταὶ εὐχαὶ τοῦ λαοῦ· Λέοντα ὁ κόσμος ἀναμένει· Λέοντα ὁ στρα-
 τὸς ἐκδέχεται· τὸ κοινὸν καλόν, Λέων, ἐλθέτω· τὸ κοινὸν ἀγαθόν,
 10 Λέων, βασιλεύσει· εἰσάκουσον, ὁ Θεός, σὲ παρακαλοῦμεν.

Sources

De Cer. Reiske: Constantinus Porphyrogenitus imperator, *De ceremoniis aulae byzantinae*, ed. J.J. Reiske (& B.G. Niebuhr), Bonn: Weber, 1829-1830 (*Corpus Scriptorum Historiae Byzantinae*, I + II).

De Cer. Vogt: Constantin Porphyrogénète, *Le Livre des Cérémonies*, ed. A. Vogt, Paris: Les Belles Lettres 1935/39, I + II.

Genesius: Iosephus Genesius, *Regum Libri Quattuor*, ed. A. Lesmueller & I. Thurn, Berlin: De Gruyter, 1978 (*Corpus Fontium Historiae Byzantinae*, 14).

Leo Diaconus: Leo Diaconus Caloënsis, *Historiae libri decem*, ed. K.B. Hase, Bonn: Weber, 1828 (*Corpus Scriptorum Historiae Byzantinae*).

Logothete Chronicle Version B Markopoulos: ed. A. Markopoulos, 'Le témoignage du Vaticanus gr. 163 pour la période entre 945-963', in *Σύμμεικτα* 3, 1979, p. 85-119.

Philotheos: ed. N. Oikonomides, *Les listes de préséance byzantines des IX^e-X^e siècles*, Paris: CNRS, 1972 (*Le Monde Byzantin*), p. 65-235.

Skylitzes: Ioannes Skylitzes, *Synopsis Historiarum*, ed. I. Thurn, Berlin: De Gruyter, 1973 (*Corpus Fontium Historiae Byzantinae. Series Berolinensis*, 5).

- Theod. Daphn.: Théodore Daphnopatès, *Correspondance*, ed. J. Darrouzès & L.G. Westerink, Paris: CNRS, 1978.
- Theoph. Cont.: *Theophanes Continuatus, Ioannes Cameniata, Symeon Magister, Georgius Monachus*, ed. I. Bekker, Bonn: Weber, 1838 (*Corpus Scriptorum Historiae Byzantinae*).
- Vita Basilii: Chronographiae quae Theophanis Continuati nomine fertur Liber quo Vita Basilii Imperatoris amplexitur*, ed. I. Ševčenko, Berlin: De Gruyter, 2011 (*Corpus Fontium Historiae Byzantinae. Series Berolinensis*, 42/2).

Bibliography

- N. Asutay & A. Effenberger (2006), *Die Porphyrsarkophage der oströmischen Kaiser. Versuch einer Bestanderfassung, Zeitbestimmung und Zuordnung*, Wiesbaden: Reichert (Spätantike – frühes Christentum – Byzanz, Reihe B: Studien und Perspektiven, 15).
- L. Bevilacqua (2012), ‘Basilio “parakoimomenos”, l’aristocrazia e la passione per le arti sotto i Macedoni’, in A. Acconcia Longo & G. Cavallo & A. Guiglia & A. Iacobini (eds), *La Sapienza bizantina. Un secolo di ricerche sulla civiltà di Bisanzio all’Università di Roma*, Campaniano, p. 183–202.
- J.M. Featherstone (2002), ‘Preliminary Remarks on the Leipzig Manuscript of *De Cerimoniis*’, *Byzantinische Zeitschrift* 95, p. 457–479.
- J.M. Featherstone (2004), ‘Further Remarks on the *De Cerimoniis*’, *Byzantinische Zeitschrift*, 97, p. 113–121.
- J.M. Featherstone (2011), ‘Theophanes Continuatus VI and *De Cerimoniis* I, 96’, *Byzantinische Zeitschrift* 104, p. 109–116.
- J.M. Featherstone (2012), ‘Theophanes Continuatus: A History for the Palace’, in P. Odorico (éd.), *La face cachée de la littérature byzantine. Le texte en tant que message immédiat*, Paris: Centre d’études byzantines, Ecole des Hautes Etudes en Sciences Sociales (Dossiers Byzantins, 11), p. 123–135.
- J.M. Featherstone (2013), ‘Der Grosse Palast von Konstantinopel: Tradition oder Erfindung?’, *Byzantinische Zeitschrift* 106, p. 19–38.
- J.M. Featherstone & O. Kresten & J. Gruskova (2005), ‘Studien zu den Palimpsestenfragmenten des sogenannten Zeremonienbuchs. I. Prolegomena’, *Byzantinische Zeitschrift* 98, p. 423–430.
- A.P. Kazhdan (2006), *A History of Byzantine Literature (850-1000)*, ed. Ch. Angelidi, Athens: Inst. Byzantinôn Ereunôn.
- O. Kresten (2007), ‘Nochmals zu den Söhnen des Kaisers Konstantinos VII.’, in K. Belke & E. Kislinger & A. Külzer & M.A. Stassinou-

- poulou (eds), *Byzantina Mediterranea. Festschrift für Johannes Koder zum 65. Geburtstag*, Vienna – Cologne: Böhlau, p. 327-352.
- O. Kresten (2010), *Il Rotolo di Giosuè (BAV, Pal. gr. 431) e gli ottateuchi miniati bizantini*, Città del Vaticano: Scuola Vaticana de Paleografia, Diplomatica e Archivistica.
- J.N. Ljubarskij (1999), 'Сочинения Продожателя Феофана', in id., *Византийские историки и писатели*, Moscow, p. 68-148.
- C. Mango (1997), 'The Palace of the Boukoleon', *Cahiers archéologiques* 45, p. 41-50.
- C. Mango (2000), 'The Triumphal Way', *Dumbarton Oaks Papers* 45, p. 173-188-.
- S. Serventi (2001), 'Il Vat. gr. 167, Testimone della Continuatio Theophanis, e i marginalia di un anonimo lettore bizantino', *Aevum* 75, p. 267-302.
- C. Sode (2011), 'Sammeln und Exzerpieren in der Zeit Konstantins VII. Porphyrogennetos. Zu den Fragmenten des Petros Patrikios im sogenannten Zeremonienbuch', in C. Macé & P. van Deun (eds), *Encyclopedic trends in Byzantium? Proceedings of the International Conference held in Leuven, 6-8 May 2009*, Turnhout, Brepols, p. 161-176.
- I. Ševčenko (1998), 'The Title and Preface to Theophanes Continuatus', in *Ὁλόγα. Studi in onore di mgr Paul Canart. Bollettino della Badia Greca di Grottaferrata*, n.s., 52, p. 77-93.
- S.H. Wander (2012), *The Joshua Roll*, Wiesbaden: Reichert Verlag.

PAOLO ODORICO

Paris

DANS LE CAHIER DES CHRONIQUEURS. LE CAS D'EUSTATHE D'ANTIOCHE

Ma contribution comportera trois volets différents, dont j'essaierai de traiter la complexité de la façon la plus exhaustive dans les limites qu'un article doit raisonnablement se donner. Etant donné qu'il est le résultat d'une recherche beaucoup plus vaste, et plus pointue, je ferai souvent des références à la première partie de cette étude, publiée ailleurs.¹ J'aborderai en premier lieu une question d'ordre général : elle a trait à la manière adoptée par les Byzantins pour transmettre le savoir. Je passerai ensuite à l'examen d'un auteur méconnu, le Pseudo-Eustathe d'Antioche, pour observer comment cette transmission s'exerçait dans la pratique, avec toutes ses conséquences sur la production littéraire. Enfin, grâce à cette manière de considérer ensemble le cadre théorique et l'analyse matérielle d'un texte, j'essayerai de voir quels sont les résultats obtenus lorsqu'appliqués à l'étude d'un manuscrit, ceci pour vérifier de près un exemple de cette transmission du savoir, et pour essayer de découvrir une partie de l'outillage dont se servait un auteur byzantin.

1. *La question théorique*

La question théorique est intimement liée à ce qu'il faut définir de *la culture du recueil*. Nous savons en effet que l'une des manières privilégiées des Byzantins pour transmettre leur savoir était celle

¹ P. Odorico, 'Du recueil à l'invention du texte', dans *Byzantinische Zeitschrift*.

qui se faisait par le biais de collections constituées d'un assemblage de morceaux de textes plus anciens. Dans ces collections les textes anciens étaient déstructurés et les passages, insérés dans un nouvel ensemble, prenaient une valeur et une signification nouvelles. Ce qui prime dans ce type de transmission est la *forme* de la structure qu'ils donnaient à ce type de recueil, et parler simplement d'*anthologies* ou de *florilèges* ou encore d'*excerpta* est très loin de nous montrer la variété de formes que cette production pouvait adopter, ainsi que son impact fondamental sur la conception même du savoir, sur la façon d'envisager la complexité des connaissances et de leur transmission aux générations suivantes. La forme d'un recueil peut être très changeante et complexe, et passer du simple florilège ou anthologie, à des oraisons constituées exclusivement de citations, ou encore à l'écriture de livres d'histoire.² C'est justement sur ces derniers que je porterai mon attention, surtout dans le but de voir comment agissaient les intellectuels byzantins face à leurs sources, ce qui représente un problème pour les philologues et les historiens de la littérature d'aujourd'hui, ces derniers ayant besoin de mieux comprendre pour bien évaluer chaque texte.

Si nous tournons notre attention vers les chroniques universelles, nous voyons bien qu'il ne s'agit pas d'ouvrages pensés comme nous concevrons aujourd'hui un texte d'histoire ; même si écrire l'histoire de l'humanité avait été possible comme nous le ferions, dans un exposé personnel qui raconte les différentes étapes de l'histoire mondiale, le chroniqueur méso-byzantin choisit une route beaucoup plus difficile : il construisait une grille chronologique, ce qui en soi était déjà une entreprise de rare difficulté, grille à l'intérieur de laquelle il insérait des passages choisis, tirés d'une pléthore de textes du passé. Penser que cette activité était en rapport avec le souci de l'écrivain de rester fidèle aux dogmes de l'orthodoxie (il aurait toujours pu dire 'ce n'est pas moi qui ait écrit ça, mais un Tel l'a fait, dont l'autorité est reconnue', ou, pour utiliser les mots de Jean Damascène à ce propos, ἐγὼ ἐμὸν οὐδέν³ ['je ne dis rien de mon chef']), n'ex-

² J'ai largement traité ce sujet dans Odorico 2011.

³ L'affirmation se trouve dans la Préface de la *Source de la Connaissance* (PG 94, col. 525A, ou toutefois l'ἐγὼ est écrit ἐγώ). A remarquer que toute la phrase

plique qu'une infime partie de l'affaire. En réalité, il s'agit d'une attitude mentale, d'une vraie pratique intellectuelle ayant fait des siècles durant ses épreuves. Pour mieux comprendre la complexité de cette opération, qui comportait la consultation de plusieurs volumes, nous pourrions tourner notre regard vers l'Occident, où les savants de la Renaissance essayeront de résoudre techniquement ce problème. A la fin du XVI^e siècle, Agostino Ramelli – un génial inventeur italo-suisse – inventa et réalisa la *roue à livres*, dont quelques exemplaires subsistent, (l'un pouvant être aujourd'hui admiré à Prague), et qui permettait la lecture simultanée de plusieurs textes, en prémices de ce que l'on nommera quatre siècles plus tard l'*intertextualité*.

C'est justement par le biais de l'intertextualité que Georges le Moine construit sa *Chronique universelle* à travers une série de citations, enchaînées de sorte à former un véritable texte narratif. Il suffit de parcourir l'appareil critique de l'édition donnée par de Boor pour s'en rendre compte.⁴ La conscience de cette procédure est vive auprès des chroniqueurs byzantins : je citerai l'exemple de Georges Cédrene qui, à la fin du XI^e siècle ou au début du siècle suivant, construit une chronique universelle suivant les exemples de ses prédécesseurs, dont il cite les noms. Dans sa préface, le recours à la méthode de la *syllogé* est explicite, et il emploie tous les termes techniques qui la désignent. Après avoir explicité quelle était la pratique suivie par les précédents historiens et chroniqueurs, il ajoute :⁵

ἡμεῖς δὲ τὰς τούτων ἐπελθόντες βίβλους τὰ εἰκότα συνελέξαμεν, προσθέντες καὶ ὅσα ἀγράφως ἐκ παλαιῶν ἀνδρῶν ἐδιδάχθημεν. Ἀλλὰ μὴν καὶ ἀπὸ τῆς λεπτῆς Γενέσεως οὐκ ὀλίγα συλλέξαντες καὶ ἀπὸ ἐκκλησιαστικῶν ἱστοριῶν καὶ ἀφ' ἑτέρων βιβλίων, καὶ ὑφ' ἑν ἐπιδρομάδην συνθέμενοι, τοῖς μεταγενεστέροις καταλειοίπαμεν τροφὴν ἀπαλὴν καὶ ἀληθεσμένην, ἵν' οἱ μὲν τὰς τῶν ῥηθέντων ἱστορικῶν βίβλους ἐπελθόντες ἔχοιεν ὑπομνήματα (οἶδε γὰρ ἡ ἀνάγνωσις ἀνάμνησιν ἐμποεῖν, ἡ δ' ἀνάμνησις τρέφειν καὶ μεγαλύνειν τὴν μνήμην, ὥσπερ τοῦναντίον ἡ ἀμέλεια καὶ ῥαστώνη ἐπιφέρειν ἀμνησίαν, ἥ τι νὶ πάντως ἔπεται λήθη, ἀμαυροῦσα

fait référence à la culture de la *syllogé* : τὰ δὲ τοῖς ἐκκρίτοις τῶν διδασκάλων πεπονημένα εἰς ἓν συλλεξάμενος ὅση δύναμις, συντεταγμένον τὸν λόγον ποιήσομαι ...

⁴ Voir Odorico 2010.

⁵ Bekker 1838-1939, I, p. 5-6.

καὶ συγγέουσα τὴν μνήμην τῶν πεπραγμένων), οἱ δὲ μήπω ἐντε-
τιχότες ταῖς ιστορίαις ὁδηγὸν ἔχοιεν τήνδε τὴν ἐπιτομήν.

Le sens de ce passage est très clair ; en reprenant l'introduction de Jean Skylitzès, qui a agi de la même manière, Cédreène nous explique en quoi a consisté son activité :⁶ après avoir parcouru les livres des chroniqueurs dont il fait le catalogue (ἡμεῖς δὲ τὰς τούτων [scil. les historiens] ἐπελθόντες βιβλους), il mit ensemble les passages les plus appropriés (τὰ εἰκότα συνελέξαμεν), et ajouta ce qu'il avait appris oralement d'hommes âgés. Il recueillit aussi plusieurs passages de l'Ancien Testament (ἀλλὰ μὴν καὶ ἀπὸ τῆς λεπτῆς Γενέσεως οὐκ ὀλίγα συλλέξαντες), des historiens ecclésiastiques (ἀπὸ ἐκκλησιαστικῶν ιστοριῶν) et d'autres ouvrages (καὶ ἀφ' ἑτέρων βιβλίων), tous ces passages ayant été par lui réunis en résumé (ὕφ' ἐν ἐπιδομαδὴν συνθέμενοι), afin de laisser à la postérité une nourriture de l'âme. Le recours à la lecture de ces passages rafraîchira la mémoire, car la lecture génère le souvenir, et celui-ci nourrit et agrandit la mémoire.

Les mots utilisés dans cette préface sont ceux qui – depuis des siècles à Byzance – servent à définir la technique de composition par juxtaposition de morceaux choisis, d'*excerpta* tirés d'autres ouvrages pour construire un nouveau produit. La question de la mémoire, à laquelle l'auteur fait référence à la fin, doit être comprise dans le double sens de souvenir des événements du passé, mais aussi de rappel des œuvres littéraires : la Préface de l'*Anthologium* de Jean Stobée (V^e siècle) conservée par Photius dans sa *Bibliothèque*,⁷ nous assure que cet énorme florilège avait été conçu par Jean – à en croire le patriarche – pour aider la mémoire de son fils, étudiant en difficulté, mais aussi pour être utile au lecteur, car le florilège peut aider ceux qui connaissent les ouvrages en les rappelant, et les faire connaître en peu de temps et avec peu d'effort à ceux qui ne les connaissent pas. On notera immédiatement que les mots employés par Skylitzès-Cédreène et Jean Stobée-Photius sont les mêmes : ἡμαυροῦσα καὶ συγγέουσα τὴν μνήμην τῶν πεπραγμένων doit être comparé à ἡ ἐπὶ τῷ ἑνθίμῳ καὶ βελτιῶσαι τῷ παιδὶ τὴν φύσιν ἡμαυρότερον ἔχουσιν πρὸς τὴν τῶν ἀναγνωσμάτων μνήμην de Jean dans la citation de Photius.

⁶ Sur la façon de travailler de Cédreène, voir aussi Tartaglia 2007, p. 239-255.

⁷ Henry 1959-1977, II, cod. 167, p. 149.

2. *Le Pseudo-Eustathe d'Antioche*

Dans le deuxième volet de mon exposé, je veux rapporter un exemple de cette production littéraire conçue par *excerpta* ; et pour ce faire, j'ai choisi une composition fort peu connue, le *Commentaire à l'Hexaméron* attribué à Eustathe d'Antioche par la tradition manuscrite. Sur l'histoire de ce *Commentaire* nous ne disposons pas de renseignements : le fait qu'il ne s'agit pas de l'ouvrage d'Eustathe d'Antioche, ayant vécu entre la fin du III^e et le début du IV^e s., et grand ennemi des ariens, a été établi depuis longtemps.⁸ En ce qui concerne la date de sa composition, elle doit être certainement située après la fin du V^e, voire le début du VI^e siècle, et avant le IX^e siècle, quand l'ouvrage fut utilisé par Georges le Moine. Quant à son contenu, il doit aussi être reconsidéré : il ne s'agit pas d'un commentaire à l'*Hexaméron*, mais d'un collage d'*excerpta* tirés de plusieurs ouvrages ayant retracé l'histoire depuis la Création.

Le *Commentaire* est conservé dans environ vingt-cinq manuscrits, mais il se peut que ce nombre soit destiné à augmenter.⁹ Il m'est possible d'ajouter à la liste un autre témoin, le *Parisinus graecus* 1336, où l'œuvre est acéphale, raison pour laquelle il n'a jamais été considéré comme porteur de ce texte. Or, ce manuscrit est important pour sa diversité et sa datation : non seulement il est selon toute apparence l'un des deux plus anciens manuscrits, car pouvant être attribué au XI^e siècle du point de vue paléographique, mais encore le texte présenté est-il plus long que ce qu'on connaissait jusqu'à présent.¹⁰ En effet, si dans la seule édition du texte le *Commentaire* s'arrête plutôt brusquement à la période des Patriarches, avec la phrase 'les Juifs [...] demandèrent à Dieu de leur donner des juges',¹¹ dans le *Parisinus graecus* 1336,

⁸ L'étude la plus complète sur le *Commentaire* est celle de Zoepfl 1927.

⁹ On peut consulter les manuscrits repérés à ce jour dans le site *pinakes* (<http://pinakes.irht.cnrs.fr>). Je tiens à préciser que presque tous les manuscrits sont tardifs (XV^e-XVII^e s.), sauf le MS de Milan D 34 sup, du X^e-XI^e s., celui de Leiden, *Voss. graecus* F 50 du XI^e-XII^e s., et autres deux datant du XIV^e s.

¹⁰ Nous disposons seulement de l'édition de Leo Allatius, *Eustathii archiepiscopi Antiocheni et martyris in hexahemeron commentarius*, Lugduni 1629 : cette édition a été reprise par la *Patrologia Graeca* de Migne, vol. 18, col. 707-794 ; mais l'étude de Zoepfl 1927 contient un appareil d'identification des sources extrêmement précieux.

¹¹ Voici la fin du texte : Μετὰ δὲ τὴν τελευταίαν Ἰησοῦ Ναυῆ οἱ Ἰσραηλῖται, ἀπο-

au f. 58v, s'en suit immédiatement l'histoire des Juges, précédée justement par un sous-titre (κρίται). Le texte continue avec l'histoire des rois d'Israël et parvient jusqu'à l'histoire des Perses et à celle d'Alexandre le Grand. Au f. 97r un nouveau sous-titre nous annonce le sujet de la partie suivante : Περσῶν δυναστεία. Κύρου βασιλεία. La narration s'achève au f. 111r, après un calcul chronologique. La narration est-elle une particularité de ce manuscrit, avec le rajout de cette partie supplémentaire ? Ou bien le texte était-il plus long à l'origine, et a-t-il été abrégé à la fin par la suite ? La recherche sur la tradition manuscrite du *Commentaire* nous donnera des réponses.¹²

Un autre point à souligner concerne la nature réelle de cet ouvrage. Loin d'être un commentaire à la *Genèse* ou à l'*Hexaméron*, il se présente plutôt comme une chronique universelle, depuis la création du monde. Des œuvres de cette nature étaient apparemment nombreuses à Byzance, même si l'intérêt tout naturel des byzantinistes pour l'histoire plus récente les a fait oublier. Mais ce qu'on appelle le *Commentaire* du Pseudo-Eustathe a une importance particulière, d'abord de par son extension. En deuxième lieu, l'étude de sa composition montre clairement qu'il a été conçu comme un produit typique de la culture de la *syllogè*, et qu'il s'apparente aux chroniques postérieures, comme celle de Georges le Moine. Pour nous en rendre compte, j'ai choisi une page du texte¹³ en indiquant entre parenthèses d'où chaque passage a été tiré :

Ἡ δὲ φήγη, τὸν ἀποποιθέντα δεξαμένη, τοῖς οἰκείοις ἅμα ἐκτρέφει νεοσσοῖς. Θρέψας δὲ τὸν νεοττὸν ὁ ἀετὸς, συνίπταται, αὐτὸν πρὸς τὸν αἰθέρα λαμβάνων· καὶ εἰ θεάσοιτο πρὸς τὴν λαμπρότητα τοῦ λίου αὐτὸν ὀξυοπήσαντα, καὶ εὐτόλμως τὸν ἀέρα διανηγόμενον, ὥς οἰκεῖον περιποιεῖται· εἰ δὲ ἄτονον πρὸς ταῦτα, ὥς νόθον ἀποβάλλει. Φασὶ γὰρ γηράσαντα τὸν ἀετὸν ἀμαυροῦσθαι τὰς ὄψεις, καὶ βαρεῖσθαι αὐτοῦ τὰς πτέρυγας, καὶ εἰς πηγὴν ἀφικνεῖσθαι, καὶ εἰς τὸν αἰθέρα ἀνιπτάμενον, ὑπὸ τοῦ ἡλίου

στάντες τοῦ Θεοῦ, τῇ Ἀστάρτῃ ἐλάτρευσαν καὶ παρέδωκεν αὐτοὺς ὑποχειρίους ὁ Θεὸς Χουσαρθάν τῷ Σύρῳ βασιλεῖ, ὅστις εἰς πολλὴν συνοχὴν αὐτοὺς κατέστησεν, ὥς ἐπὶ πολὺ καταπονηθέντας αὐτοὺς βοῆσαι πρὸς τὸν Θεόν, καὶ δοθῆναι αὐτοῖς κριτάς.

¹² Depuis ce Congrès de Madrid, une équipe constituée par des chercheurs de Louvain et de Paris a commencé le travail d'édition du texte.

¹³ PG 18, col. 732A-733B.

τάς πέρυγας καταφλέγεσθαι, καὶ ἀναβλέπειν, εἴτ' εὐθύς ἐπὶ τὴν πηγὴν καταβάντα τρίτον βαπτίζεσθαι, καὶ ἀνανεοῦσθαι· διὸ καὶ τὸν ψαλμὸν φάσκειν φασίν· Ἀνακαινισθήσεται ὡς ἀετοῦ ἡ νεότης σου (*Physiologus*, ch. 6). Ὁ δὲ γῆψ ὑπνέμον τὴν γονὴν κέκτῃται, καὶ οὐ γινώσκει συνουσίαν ἄρρηνος, καὶ ἑκατὸν τὰ ἔτη βιοῖ (*Basilius*, in *Hexameron* col. 180 BC). Αὐλίζεται δὲ ἐπὶ τῶν ὑψηλῶν, καὶ μετεώρων, καὶ οὐδεὶς οἶδε ποῦ ποιεῖ τὴν κατοίκησιν. Καὶ ἔγγυος γενόμενος πορεύεται εἰς τὴν Ἰνδικήν, καὶ λαβὼν τὸν εὐτόκιον λίθον οὕτω καλούμενον, ἐπάνω αὐτοῦ καθέζεται συνεχόμενος ὥδισι, καὶ ἀποτίκτει. Ἔστι δὲ ὁ λίθος περιφερῆς ὡς κάρυον, καὶ κινούμενος ἤχον ἐκπέμπει ὡς κώδων, ἔνδοθεν ἑτέρου λίθου κινουμένου (*Physiologus*, ch. 19). Φασὶ δὲ τὸν γῆπα τὰ ῥόδινα μύρα χρισθέντα ἀποθνήσκειν (*Clemens Alexandrinus*, *Paedag.* II, 8, 66). σπέρματα δὲ μὴ βλάπτειν αὐτόν, μηδέ τι ἔμψυχον διαλυμαίνεσθαι, καὶ μηδὲ νεκρῷ προσέρχεσθαι πετεινῷ διὰ τὴν συγγένειαν (*Source non identifiée*). Ἡνίκα δὲ, φασίν, ἄνδρες εἰς πόλεμον παρατάσσονται, ἐπακολουθεῖ αὐτοῖς, καὶ οὐκ ἀφίσταται, σαρκοβόρος ὢν (*Basilius*, in *Hexameron* col. 181 C). Οἱ δὲ πελαργοὶ καὶ ἐνὶ ἐπιδημοῦσι συνθήματι, καὶ ἐνὶ ἀπαύρουσι. Προπέμπουσὶ τε αὐτοὺς αἱ κορώναι, καὶ, ὡς εἰκὸς, συμμαχοῦσιν αὐτοῖς πρὸς τινὰς πολεμίους ὄρνιθας· τετραυματισμένοι γὰρ ἐπανερχονται (*Basilius*, in *Hexameron* col. 176 B). Ἐὰν δὲ γηράσῃ ὁ πελαργὸς, περοῶν, καὶ τὰ τέκνα αὐτοῦ περιστάντα τοῖς οἰκείοις περοῖς περιθάλλουσι, καὶ τὰς τροφὰς ἀφθόνως παρέχουσιν· ἐν δὲ τῇ πτήσει ὑποκάτωθεν αὐτόν ὑποβαστάζουσι, καὶ τοῖς ἰδίοις περοῖς ἡρέμα αὐτόν ὑποκουφίζουν ἐκατέρωθεν (*Basilius*, in *Hexameron* col. 176 C). Αἱ δὲ γέραναι ὁμοῦ πάσαι ἐξ ἴσου ἵπναι, μία δὲ προηγείται αὐτῶν, καὶ τακτὸν τινα χρόνον προηγησαμένη εἰς τὸ κατόπιν περιελθοῦσα τῇ μετ' αὐτὴν τὴν ἡγεμονίαν τῆς ὁδοῦ παραδίδωσιν. Ἐν δὲ τῷ καθεύδειν ἡ μία ὅλας περιέχεται ἀσφαλιζομένη· καὶ ἐπειδὴ τὸ μέτρον τὸ ἀρκοῦν τοῦ διαστήματος πληρώσασα βοήσῃ, πρὸς ὕπνον τρέπεται, καὶ ἄλλη πάλιν διαδέχεται τὴν τοιαύτην ὑπηρεσίαν (*Basilius*, in *Hexameron* col. 176 AB). Τὸ δὲ τῶν χηνῶν γένος ὑπάρχει ἄγρυπνον, καὶ ὀξύηκοον ταχέως τῶν προσιόντων ἀπλῶς, ἢ τῶν ἐπιβούλων τὴν ἔφοδον αἰθανομένη. Οὕτως γοῦν πολεμίων τινῶν δι' ὑπονόμων ὑποδύντων, καὶ μελλόντων χειροῦσθαι Ῥώμην τὴν μεγάλοπολιν, οὗτοι τῇ φυσικῇ ὀξύτητι τῆς αἰσθήσεως περιεσώσαντο, τῇ ἀθρόᾳ φωνῇ παραδόντες τοὺς ἐπιβούλους τοῖς φύλαξιν (*Basilius*, in *Hexameron* col. 181 BC). Ἀλκυὼν ἐστὶ θαλάττιον ὄρνεον, καὶ παρὰ τοὺς τῆς θαλάττης νοσεύει αἰγιαλοὺς, τοῦ χειμῶνος μεσάζοντος. Ὅταν οὖν ἐπώαζῃται, οἱ μὲν ἄνεμοι κοιμίζονται, ἡ δὲ θάλαττα γαλήνην ἔχει σταθεράν, ἄχρις ἡμερῶν ἑπτὰ, τὸ πρὶν ἀνέμων σφοδρῶν ταρα-

τόντων τὴν θάλατταν. Ἐπειδὴν οὖν περιγλύψῃ τοὺς νεοττοὺς πάλιν ἄλλας ἑπτὰ ἡμέρας, ὁ Θεὸς νηνεμίαν παρέχεται, ἕως ἐκ-
θρέψῃ τοὺς νεοττούς (Basilus, in *Hexameron* col. 177 AB). Δο-
λερὸν ὁ πέρδιξ, καὶ ζηλότυπον, καὶ κακοῦργον, συμπράττων τοῖς
θηρευταῖς πρὸς τὴν ἄγρην (Basilus, in *Hexameron* col. 172 C).
Ἀλλότρια δὲ κλέπτων ὡς νοσοποιοεῖ, καὶ αὐξηθέντες οἱ νεοττοί,
ἕκαστος κατὰ γένος πρὸς τοὺς οἰκείους ἀνίπταται, καὶ ἔρημον
αὐτὸν καταλιμπάνουσιν (*Physiologus*, ch. 18). Λάγνον περιστερὰ
(Basilus, in *Hexameron* col. 172 C). Ἔστι δὲ δένδρον ἐν τῇ Ἰν-
δικῇ καλούμενον περιδέξιον, γλυκεῖς φέρον καρποὺς, καὶ τοῦτω
αἱ περιστερὰ τέρπονται, καὶ κατασκηνοῦσιν ἐπ' αὐτοῦ. Ἔστι
δὲ ὁ δράκων ἐχθρὸς τῆς περιστερᾶς, καὶ δεδοικῶς τὸ δένδρον
οὐκ ἐπέρχεται· εἰς οἷον γὰρ μέρος τοῦ δένδρου ἡ σκιά γένηται, ὁ
δράκων φεύγει φοβούμενος (*Physiologus*, ch. 34).

Comme on le voit bien, le texte est construit par le biais d'une série de citations tirées de différents ouvrages et juxtaposées de façon à construire un texte homogène et de lecture facile. Parmi les auteurs utilisés nous trouvons le *Chronikon* d'Eusèbe, le Pseudo-Justin, l'*Hexaméron* de Basile de Césarée, Athanase le Théologien, le *Physiologus*, Achille Tatius, Origène, Flavius Joseph, etc. De cette manière le nouveau texte n'est rien d'autre qu'une composition de passages, où ce qui prime est le choix des morceaux et leur assemblage.

La question concernant la nature du *Commentaire* ne doit pas nous tromper : il s'agit d'une chronique qui insère sur une grille chronologique des *excerpta* selon la plus pure tradition chronographique, dont le *Commentaire* semble être un témoin ancien. En ce sens le début de l'ouvrage est éclairant : loin de parler tout de suite de la création du monde, comme nous pourrions l'imaginer, le texte commence par une discussion sur la contemporanéité entre Moïse et Inachos, avec référence aux sources et au débat qui était vif depuis la fin de l'Antiquité. Enfin, il faut souligner que le *Commentaire* entre directement dans la composition des chroniques postérieures, comme le montre le cas de Georges le Moine, qui à son tour l'utilise comme mine d'où tirer les matériaux pour construire un nouveau texte selon les techniques que – désormais – nous connaissons bien.¹⁴

¹⁴ Une dernière donnée devrait être avancée, mais à ce propos nous sommes dans l'obscurité la plus totale. Qui peut être l'auteur de cet ouvrage, lequel

Ce processus de composition par *excerpta* était très répandu. Pour nous il serait extrêmement important de connaître les modalités de son déroulement, notamment auprès d'un chroniqueur. Nous pouvons imaginer que l'auteur d'une chronique avait lu plusieurs ouvrages, et qu'il composait ainsi sa grille chronologique, à l'intérieur de laquelle il insérait des passages tirés de plusieurs sources. C'est à cela qui semble faire référence la préface de la *Chronique* de Théophane.¹⁵ Cependant, étant donné que la narration doit rester fluide, il est évident que dut exister une phase intermédiaire, constituée par la collecte des *excerpta* qu'il fallait ensuite choisir ultérieurement, pour constituer le nouvel ouvrage. C'est justement à propos de cette démarche que nous ne disposons d'aucun renseignement. Comment s'effectuait-elle matériellement ?

Je ne peux pas imaginer que l'auteur ait pu prendre des notes sur un morceau de papier comme nous le ferions aujourd'hui : la pratique de la collecte d'*excerpta* est attestée dès l'Antiquité tardive et très diffusée au IX^e-X^e siècle, bien avant la diffusion du papier qui pourrait éventuellement avoir fait baisser les prix d'une telle opération. D'autre part, les manuscrits, même numérotés par cahiers, ne facilitaient pas le repérage des passages choisis, qu'il fallait insérer dans la nouvelle œuvre, comme pour les éditions modernes, où nous pouvons faire référence à la page et à la ligne.¹⁶ Que tout cela ait été confié à des pratiques mnémoniques est aussi exclu, car les citations, parfois très longues, sont reportées de façon fidèle, et il est certain que les Byzantins, pourtant si férus

semble bien avoir connu une diffusion remarquable ? J'aurais aimé avancer une hypothèse que malheureusement aucun élément ne me permet de soutenir. On dit souvent que l'une des chroniques utilisées par Jean Malalas et Jean d'Antioche comme sources de leurs ouvrages était celle d'Eustathe d'Epiphaneia, le moderne Homs, au point que, selon Treadgold 2007, p. 114 s., Malalas et Jean n'auraient rien fait d'autre que de la transcrire. Cependant, de cette chronique nous ne possédons pratiquement aucun fragment, sauf le témoignage d'Evagre qui nous dit que l'œuvre était une compilation (Treadgold 2007, p. 118). Il serait alléchant de supposer que notre *Commentaire* est la chronique perdue d'Eustathe, mais le texte du *Commentaire* ne se trouve pas dans la chronique de Malalas. Devant l'absence de tout renseignement ultérieur, l'hypothèse n'a aucune chance d'être soutenue.

¹⁵ Odorico 2010, p. 211 et sq.

¹⁶ Même le pinax, qui parfois se trouve au début d'un manuscrit, ne sert à rien d'autre qu'à donner une idée du contenu, et nullement à créer une sorte d'aide au repérage des passages.

en construction d'appareils mécaniques, ne connaissaient pas la roue à livres de Ramelli. Nous pouvons donc imaginer qu'il y avait des recueils où le matériel à exploiter était d'abord mis ensemble (c'est le mot συλλέξαντες utilisé par Cédreus) avant de le composer (ὑφ' ἐν συνθέμενοι). Mais que sont devenus ces recueils, qui représentaient l'outillage de tout écrivain ? La non-considération des chroniques comme produits typiques de la culture de la *syllogè* n'a pas favorisé la recherche de ces outils.

3. Le *Parisinus graecus* 1336

J'aborderai maintenant le troisième volet de mon exposé, l'étude d'un manuscrit qui à mon sens représente la copie d'un de ces *dossiers* qui servaient justement comme outils pour la construction d'ouvrages de compilation, le *Parisinus graecus* 1336, dont la réalisation peut être attribuée au XI^e siècle. Du point de vue de sa forme actuelle, ce manuscrit présente certaines lacunes. Dans le premier cahier il contient une série de textes brefs et homogènes, qui portent tous sur la question de la réadmission des hérétiques au sein de l'Eglise, et sur les conciles œcuméniques, dont la reconnaissance de la part d'un excommunié équivaut à la reconnaissance des dogmes corrects de l'orthodoxie. D'autre part, la liste des conciles représente en même temps une sorte de note historique. A partir du deuxième cahier actuel (probablement à l'origine le troisième), le manuscrit contient un ouvrage acéphale, qui s'étend jusqu'au f. 111, et qu'il faut identifier au *Commentaire à l'Hexaméron* du Pseudo-Eustathe d'Antioche, dont je viens de parler. Les f. 111-134 sont occupés par les *Parastaseis syntomoi chronikai*. S'en suivent deux ouvrages d'Athanase d'Alexandrie, l'*Oratio in Mechisedech* et l'*Epistola in Antiochum ducem*. La partie finale du manuscrit (f. 143-160) contient une compilation constituée de longs passages tirés de différentes chroniques.

En ce qui concerne les lacunes du manuscrit, voici quelle est la situation actuelle. Après le premier cahier (f. 1-8), nous avons un cahier de six feuillets (f. 9-14), suivi par des cahiers de 8 feuillets. Cependant les actuels quatrième et cinquième cahiers doivent être placés avant le troisième. Le deuxième cahier doit avoir perdu le bifeuillet extérieur : nous pouvons cependant en reconstituer le contenu. Dans ce qui était l'originel f. [9], aujourd'hui

disparu, il y avait la fin de la liste des conciles œcuméniques et le début du *Commentaire* du Pseudo-Eustathe. Dans l'original f. [14], aujourd'hui disparu, il y avait le passage οὐκ ἔχει. Ἀλλ' ἐμερίσθη ἐν τῷ ζώῳ... τὸν ἥλιον περιστοιχίσωσι correspondant à PG 18 717C-720C. Ce bouleversement du texte du *Commentaire* à l'*Hexaméron* est certainement l'une des raisons qui ont empêché de reconnaître la véritable nature de l'ouvrage. Mais l'incertitude sur son identification n'est pas que la nôtre, car quelques siècles plus tard et face à cette œuvre acéphale, un lecteur du manuscrit avait marqué dans le *Parisinus* à son commencement, en haut de f. 9r, χρονική ιστορία.

A d'autres endroits le manuscrit présente des lacunes : il a certainement perdu une page dans la partie occupée par les *Parastaseis*. Dans sa partie finale il présente également une lacune due à la perte d'une page entre les f. 149 et 150, et aussi une lacune textuelle, peut-être due au modèle qu'il avait recopié : en effet au f. 143 figure le titre suivant :

Ἐκλογή τῶν χρονικῶν ἀπὸ Ἀδὰμ ἕως Μιχαὴλ γαμβροῦ Νικηφόρου βασιλέως ἀπὸ Ἰωάννου ιστορικοῦ ἀπὸ Ἀδὰμ ἕως βασιλείας Καίσαρος, καὶ Γεωργίου Συγκέλλου ἀπὸ Ἰουλίου Καίσαρος μέχρι βασιλείας Διοκλητιανοῦ, καὶ Θεοφάνους ἡγουμένου τοῦ Ἀγροῦ ἀπὸ Διοκλητιανοῦ μέχρι Λέοντος τοῦ Ἀρμενίου.

En réalité, cette partie (qui mériterait une étude à part) s'achève avec le règne de Trajan, donc avant la section constituée par les extraits de Théophane, dont l'ouvrage (comme on le sait) débute avec Dioclétien. Cependant le f. 160v – le dernier du manuscrit – n'est rempli qu'à la moitié : est-ce que le copiste avait recopié tout le matériel qu'il avait sous les yeux, ou bien la section successive (Théophane) commençait-elle sur la page suivante, aujourd'hui perdue ? Nous ne pouvons pas donner de réponses à cette question.

La partie contenant les *Parastaseis syntomoi chronikai* est la seule qui a été systématiquement étudiée et éditée.¹⁷ En outre, elle est

¹⁷ L'édition du texte servant de référence est Preger 1901-1907, fasc. I ; à partir de 1984 les études sur le texte se sont multipliées : je cite ici les trois ouvrages fondamentaux, celle de Dagron 1984 ; Cameron 1984 et Berger 1988. La dernière étude sur le sujet est celle de Anderson 2011. Pour une bibliographie plus complète, voir Odorico, 'Du recueil à l'invention du texte' (cf. n. 1).

apparemment la seule qui nous fait entrevoir comment elle avait été composée.

Ce texte n'est transmis dans sa forme originale que par notre manuscrit. Je partage le point de vue des savants qui se sont occupés des *Parastaseis*, notamment en ce qui concerne la filiation du texte : comme ces dernières ont été reprises par l'*Anonymus Treu* et par les *Patria Constantinoupoleos*, lesquels remontent certainement au X^e siècle, autour de la moitié pour le premier et à la fin pour le deuxième (et donc avant la réalisation du *Parisinus graecus* 1336), nous sommes obligés de penser qu'à l'origine il y avait un dossier (telle est la définition qu'on lui a donnée¹⁸), dont la réalisation doit être antérieure au milieu du X^e siècle. C'est justement la nature de ce dossier qui attire notre attention. L'existence d'un témoin ayant pris place entre le dossier et le manuscrit de Paris, est une hypothèse à démontrer et complètement inutile : nous pouvons supposer que le *Parisinus graecus* 1336 dérive directement du dossier original, mais – et là réside tout le problème – nous ne savons pas si cette dépendance concerne *tout* le manuscrit ou seulement les *Parastaseis*. Ceux qui ont étudié ce texte ne se sont jamais occupés du manuscrit dans sa globalité : convaincus qu'ils étaient d'avoir affaire – avec les *Parastaseis* – à un recueil construit au VIII^e siècle par une sorte de société antiquisante, et dont les membres auraient collecté des renseignements sur les merveilles de Constantinople,¹⁹ ils se sont concentrés à définir le milieu de production de cette collection, et à refuser les quelques détails du texte qui leur auraient pourtant permis de lui attribuer une datation plus récente, avec comme *terminus post quem* au moins le IX^e siècle avancé.²⁰ Mais la question concerne la nature même de la collection, et sa définition.

Dans les études jusqu'ici menées par les chercheurs, on a toujours affirmé que les *Parastaseis* étaient une collection, ce qui est correct : mais s'agit-il d'une collection indépendante, comme on l'a soutenu sans discontinuer, ou bien la collection est-elle constituée par tout le manuscrit ? Je suis convaincu que notre manuscrit est la copie intégrale du dossier, et je suis tout aussi convaincu

¹⁸ Speck 1988 ; déjà Dagron 1984 parlait d'un texte provisoire.

¹⁹ Voir en dernier Anderson 2011.

²⁰ Mango 1963.

que les *Parastaseis* sont une collection de *notes historiques* (comme le titre l'affirme) mises ensemble à partir de plusieurs recueils *pour servir à ...*, à une époque qui peut être comprise entre la moitié du IX^e et la moitié du X^e siècle.²¹ Mais le problème qui se pose est justement de savoir quels étaient la nature et le but de cette collection.

L'analyse du manuscrit montre que les *Parastaseis* sont composées au moins de deux parties : la deuxième est une sorte d'anthologie relative aux monuments de Constantinople, tirée de plusieurs autres recueils. En outre, certaines annotations qui font aujourd'hui partie du texte et qui en réalité étaient certainement des notes ajoutées à la marge du dossier, nous montrent la nature de celui-ci : nous pouvons constater qu'un dialogue savant s'est mis en place entre le manuscrit et un (?) lecteur, qui marque non seulement les points qu'il faut revoir, mais signale aussi les ouvrages qu'il faut consulter, même de façon très précise, en renvoyant à une édition particulière d'un ouvrage. Lorsque, dans les *Parastaseis*, on fait le catalogue des merveilles de Constantinople, on n'en cite que cinq, contre les sept canoniques : à un certain point dans le manuscrit nous lisons 'Vas chercher dans le livre du spectacle (ou de la merveille) écrit par Dioscoros, chargé de mission, dans le chapitre sur l'époque de l'empereur Maurice'.²² Ailleurs, lorsqu'on parle d'une statue qui se trouve en Perse, mais qui était jadis près de la Ville impériale, une note précise qu'il faut 'aller rechercher le texte' dans la troisième édition de la *Chronique* d'Hyppolite.²³ De même, une affirmation relative à un auteur inconnu, Ankyrianos, qui aurait traité le sujet 'en opposition à Anastase', est corrigée par la précision qu'Anastase disait exactement la même chose.²⁴ Bref, il s'agit de renvois qui servent à enrichir le texte par le biais du recours à d'autres livres, dont on marque la contribution possible à des fins qui apparemment nous échappent.

²¹ P. Odorico, 'Du recueil à l'invention du texte', voir n. 1.

²² Preger 1901-1907, fasc. I, p. 49, § 43 ; cf. Cameron 1984, p. 116 et commentaire, p. 230-231.

²³ Preger 1901-1907, fasc. I, p. 23, § 6 ; Cameron 1984, p. 64 et commentaire, p. 179.

²⁴ Preger 1901-1907, fasc. I, p. 25-26, § 10 ; Cameron 1984, p. 69-71 et commentaire, p. 184.

Le *Parisinus graecus* 1336 représente donc la copie d'un modèle ayant été utilisé comme livre de travail, et où des renvois avaient été annotés, et des corrections et ajouts signalées. Mais la question reste ouverte de savoir si les *Parastaseis* représentent une collection indépendante, comme on l'a toujours soutenu, ou si la collection est constituée par tout le manuscrit, et que les *Parastaseis* ne sont que la partie d'un ensemble s'identifiant au *Parisinus graecus* 1336 lui-même.

Pour mieux pouvoir répondre à cette question fondamentale nous devons jeter un coup d'œil aux contenus.²⁵ Notre manuscrit présente une unité admirable : à l'exception du premier cahier, consacré au problème de la réadmission des hérétiques au sein de l'Eglise (problème particulièrement vif après la restauration des icônes en 843), et de l'*Epistola in Antiochum ducem* d'Athanase d'Alexandrie, tout le manuscrit contient une série de textes qui portent sur l'histoire mondiale, que ce soit le *Commentaire* du Pseudo-Eusthate, qui couvre la partie de la création du monde au Jugement biblique, ou la partie sur les Rois d'Israël et sur les dynasties des Perses (que cette partie fit partie ou non du *Commentaire*), au *Parastaseis syntomoi chronikai*, au recueil d'informations historiques tirées de Malalas, Syncelle et Théophane, contenues dans la partie finale du manuscrit et qui portent ainsi la narration jusqu'à Trajan. En ce sens, la partie finale du manuscrit est éclairante : partiellement éditée par Cramer,²⁶ elle se présente comme un collage de morceaux tirés de trois différentes chroniques concernant l'histoire juive et l'histoire des anciens Empires, jusqu'à l'histoire récente de Byzance (selon le titre). Mais ce qui prime est justement son caractère d'extrait, en complète concordance avec le reste du manuscrit.

Voici les conclusions auxquelles je suis parvenu après une analyse attentive du manuscrit. Selon toute probabilité le *Parisinus graecus*. 1336 est la copie intégrale d'un dossier préparé avant le milieu du X^e siècle. Ce dossier était constitué de matériaux homogènes, et son contenu n'était pas strictement historique ou chronographique : d'autres manuscrits, comme le célèbre *Parisi-*

²⁵ En ce sens, la brève description du catalogue d'Omont est extrêmement claire : Omont 1888, p. 283. Une description du contenu du manuscrit se trouve aussi dans la préface de la récente édition de Malalas : Thurn 2000, p. 8*-9*.

²⁶ Cramer 1839, p. 231-242. Le manuscrit a été utilisé aussi par Thurn 2000.

nus graecus 1711 ont des textes qui sont des chroniques universelles, à côté d'autres qui sont relatives à des moments précis de l'histoire. Le dossier dont nous parlons, recopié dans le *Parisinus graecus* 1336, renferme des textes différents, dont la présence peut être expliquée par la volonté de celui qui les a recueillis de constituer un ensemble relatif aux temps anciens et aux notices antiquisantes sur les antiquités de Constantinople. L'usage de ces textes, le dialogue entre texte et utilisateur, pourrait indiquer que ce dossier avait été préparé pour servir à la constitution d'une nouvelle chronique.

4. Conclusion

J'arrive ainsi à la conclusion de ce parcours de recherche. Nous sommes passés d'une partie théorique, la construction des textes selon les méthodes de la culture de la *syllogé*, à la recherche des instruments utilisés par les écrivains byzantins pour bâtir leurs ouvrages. Cela nous a permis de mieux comprendre le sens d'une œuvre, le *Commentaire* à l'*Hexaméron*, qui mérite certainement plus d'attention de la part des chercheurs. Mais ce que j'ai voulu proposer en premier lieu est de nous occuper davantage de ces manuscrits-dossiers, de les rechercher, de les identifier, en jetant un nouveau regard aux *codices*, qui seuls peuvent nous ouvrir de nouvelles pistes d'investigation. Si mon hypothèse est exacte, nous pourrions être en présence de l'un de ces dossiers qui représentaient une étape entre la lecture des textes (l'ἡμεῖς δὲ τὰς τούτων ἐπελθόντες βίβλους de Cédreus), et la *com-position* finale (l'ὕφ' ἐν ἐπιδρομάδην συνθέμενοι) : il s'agit justement du recueil en abrégé des morceaux et des ouvrages qui servent à la composition littéraire (l'οὐκ ὀλίγα συλλέξαντες) que Cédreus nous présente comme moment déterminant dans son processus d'écriture.

Certes, il serait intéressant pour nous de pouvoir vérifier *sur le terrain* cette hypothèse, et à ce titre la déception est grande : aucune des chroniques universelles que nous connaissons ne montre une dépendance immédiate à notre manuscrit. Nous pourrions, bien sûr, justifier cette absence par le fait que notre *dossier* est plutôt tardif, et que la rédaction des chroniques universelles arrive bientôt à son épuisement. Ce dossier était-il utilisé comme ensemble historique, comme recueil de l'histoire universelle, sans

pour cela être un dossier de préparation à l'écriture d'un autre ouvrage ? Cela est possible. Toutefois, un dernier élément nous fait réfléchir : parmi les différents chroniqueurs, Georges Cédrene est celui qui (à la fin du XI^e siècle) semble avoir eu recours aux *Parastaseis* pour l'écriture de son ouvrage.²⁷ Or, le XI^e siècle est la même période que pour la copie du dossier original dans le *Parisinus graecus* 1336 ; je ne veux pas dire par là que cet auteur a utilisé notre manuscrit, mais simplement qu'à son époque il y avait un intérêt pour ce type de renseignements et de compilations.

Dans le contexte de la *Quellenforschung*, une attention particulière portée aux manuscrits – conçus dans leur complexité et intégrité – peut nous donner une moisson de renseignements importants, ceci sans nous borner à l'étude d'un simple ouvrage. C'est l'ensemble de ces pistes d'études qui nous ouvrira peut-être de nouvelles perspectives d'étude.

Bibliographie

- Leo Allatius, *Eustathii archiepiscopi Antiocheni et martyris in hexahemeris commentarius*, Lugduni 1629 : cette édition a été reprise par la *Patrologia Graeca* de Migne, vol. 18, col. 707-794.
- B. Anderson (2011), 'Classified knowledge: the epistemology of statuary in the *Parastaseis Syntomoi Chronikai*', dans *Byzantine and Modern Greek Studies*, 35/1, p. 1-19.
- A. Berger (1988), *Untersuchungen zu den Patria Konstantinupoleos*, Berlin: Habelt (Ποικίλα Βυζαντινά, 8).
- A. Cameron (éd. 1984), *Constantinople in the Early Eight Century: the Παραστάσεις σύντομοι χρονικάί*, Leiden: Columbia Studies in the Classical Tradition.
- Georges Cédrene, *Synopsis historiôn*, éd. I. Bekker, Bonn 1838-1839, vol. I, p. 5-6.
- J.A. Cramer (1839), *Anecdota graeca e codd. manuscriptis Bibliothecae regiae Parisiensis*, vol. 2, Oxoniae: Univ. Press (robarts; toronto).
- G. Dagron (1984), *Constantinople imaginaire. Études sur le recueil des Patria*, Paris: Presses Universitaires (Bibliothèque byzantine. Études, 8).
- Iohannis Malalae Chronographia*, éd. I. Thurn, Berlin - New York, 2000 (CFHB, XXXV).

²⁷ Bekker 1838-1839, notamment aux p. 562 ss.

- C. Mango (1963), 'Antique Statuary and the Byzantine Beholder', dans *DOP*, 17, p. 53-75 = C. Mango (1984), *Byzantium and its Image: History and Culture of the Byzantine Empire and its Heritage*, London: Variorum Reprints (Collected Studies, 191, n° V).
- P. Odorico (2010), 'Parsque je suis ignorant. Imitatio/variatio dans la chronique de Georges le Moine', dans A. Rhoby – E. Schiffer (éd.), *Imitatio – Aemulatio – Variatio: Akten Des Internationalen Wissenschaftlichen Symposions Zur Byzantinischen Sprache Und Literatur*, Wien 22.-25. Oktober 2008, Vienne: Österreichische Akademie der Wissenschaften, philosophisch-historische Klasse (Denkschriften, 402. Veröffentlichungen zur Byzanzforschung, 21).
- P. Odorico (2011), 'Cadre d'exposition/cadre de pensée', dans P. Van Deu & C. Macé (éd.), *Encyclopaedic Trends in Byzantium? Proceedings of the International Conference held in Leuven, 6-8 May 2009*, Louvain: Peeters Publishers (Orientalia Lovaniensia Analecta, 212), p. 209-216.
- H. Omont (1888), *Inventaire sommaire des manuscrits grecs de la Bibliothèque Nationale, 3: Ancien Fonds Grec Belles-Lettres Coislin-Supplément Paris et Départements*, Paris: Librairie Picard.
- Photius, *Bibliotheca*, éd. R. Henry, I-VIII, Paris: Les Belles Lettres, 1959-1977, II, cod. 167, p. 149.
- Scriptores originum Constantinopolitanarum*, éd. Th. Preger, 2 vols, Leipzig: Teubner, 1901-1907.
- P. Speck (1988), 'War Bronze ein knappes Metall? Die Legende von dem Stier auf dem Bus in den *Parastaseis* 42', dans *Hellenika*, 39, p. 3-17.
- L. Tartaglia (2007), 'Meccanismi di compilazione nella Cronaca di Giorgio Cedreno', dans F. Conca et G. Fiacadori (éd.), *L'età dei Macedoni: forme della produzione letteraria ed artistica*, Milan: Quaderini di Acme, p. 239-255.
- W. Treadgold (2007), *The Early Byzantine Historians*, Chippenham-Eastbourne: Palgrave Macmillan.
- F. Zoepfl (1927), *Der Kommentar des Pseudo-Eustathius zum Hexameron*, Münster: Alttestamentliche Abhandlungen X, 5.

ANDREAS RHOBY
Wien

QUELLENFORSCHUNG AM BEISPIEL DER CHRONIK DES KONSTANTINOS MANASSES

1. *Einleitung*

Konstantinos Manasses, geboren um das Jahr 1115 oder etwas später,¹ gehört zu den bedeutendsten, in der Mitte des 12. Jahrhunderts wirkenden Autoren. Sein wichtigstes Werk ist die Verschronik, die in den meisten Handschriften den Titel Σύνοψις Χρονική trägt.² Sie besteht aus mehr als 6600 byzantinischen Fünfzehnsilber (politischen Versen)³ und stellt – zumindest dem Titel zufolge – ein ‘historisches’ Werk dar, das ganz in der Tradition des Genres ‘Chronistik’⁴ mit der Erschaffung der Welt beginnt. Das Ende findet die Chronik mit dem Beginn der Herrschaft der Komnenoi, da Manasses es nicht wagte, über die Dynastie, der er als Auftragsdichter unterstand, zu berichten. Verfasst wurde das Werk nach dem Jahr 1143, d.h. nach dem Regierungsantritt von Kaiser Manuel I. Einige Argumente sprechen dafür, dass es nach dem Jahr 1150 entstand.⁵

¹ Lampsidis 1996, p. xiv; Kazhdan 1991b. Bei Karpozilos 2009, p. 536 ist das Geburtsdatum (‘γύω σὸ 1130’) definitiv zu spät angesetzt.

² Lampsidis 1996, p. 5 app.

³ Dies stimmt nicht ganz, da das in der Edition von Lampsidis an die Spitze gestellte Einleitungsgedicht aus neun Hexametern besteht und die Verse 4834–4836 und 4838–4840 eingeschobene byzantinische Zwölfsilber sind. Bei letzteren handelt es sich um Verse, die die beiden Graptoi Theodoros und Theophanes der Legende nach dem eingesperrten Methodios übersandten: cf. Sode 2001, p. 272–275.

⁴ Reinsch 2002, p. 85.

⁵ Hunger 1978, I, p. 419; siehe auch Reinsch 2007, p. 269, Anm. 11.

Schon seit langem ist bekannt, dass die Verschronik des Manasses mehr als ein bloßes ‘Geschichtswerk’ darstellt. Dank jüngerer Studien von Ingela Nilsson⁶ und anderen ist nun mehr als klar, dass Manasses ein Opus hinterließ, das über einen hohen literarischen Anspruch verfügt. Dass die Chronik des Manasses lesenswert sei, hielt bereits auch der ‘erste Philhellene’ Martin Crusius fest, der um die Jahreswende 1578/79 eigenhändig die Verse kopiert hatte (Cod. Tybing. Bibl. Univ. gr. Mb 35).⁷ Crusius empfiehlt die Lektüre der Chronik wegen des klaren und prägnanten Stil, der früheren und eigenen⁸ ‘Geschichten’, der edlen Epitheta, der weisen und süßen Gleichnisse, der Sprichwörter, der Verwendung von verschmiedenden Mythenerzählern und wegen der besonderen Kenntnis der griechischen Sprache.⁹

Manasses beabsichtigte nicht, eine rein historische Abhandlung zu verfassen, wie dies bei Chronisten vor ihm der Fall gewesen war, sondern war – um mit den Worten Ingela Nilssons zu sprechen – ‘more interested in literature, in telling a good story, than in our notion of history’.¹⁰ Seine Σύνοψις Χρονική ist daher als ‘literary chronicle’ zu bezeichnen.¹¹ Die Chronik stellt somit auch ein aussagekräftiges Beispiel für die Durchmischung der Gattungen dar,¹² die gerade im 12. Jahrhundert, in einer Zeit literarischer Experimente, in Mode war.¹³

Die literarische Anlage der Σύνοψις Χρονική manifestiert sich auch schon durch die in der Edition von Lampsidis an die Spitze

⁶ Nilsson 2006; Nilsson & Nyström 2009; etc.

⁷ Zur Handschrift Schmid 1902, p. 67–68, Bees 1928–1929, p. 121–123 und <http://www.inka.uni-tuebingen.de/hand.php>: von Lampsidis zu den *codices eliminandi* gerechnet, da es sich um eine Abschrift aus den Codices Monac. gr. 254 (15. Jh.) und Vat. Pal. gr. 397 (16. Jh.) handelt, vgl. Lampsidis 1996, I, p. xciv.

⁸ Damit sind Manasses’ eigene, nicht auf Vorlagen begründete ausschmückende Zusätze gemeint: siehe unten S. 401.

⁹ Cod. Tybing. Bibl. Univ. gr. Mb 35, p. 520: Ἀξιανάγνωστος, ὁ συγγραφεὺς οὗτος: διὰ τὴν σαφῆ συντομίαν. διὰ τὰς ιστορίας, ἄλλας τε, καὶ τινὰς ἰδίαις. διὰ τὰ γενναῖα ἐπιθετα. διὰ τὰς παραβολὰς, σοφὰς καὶ γλυκεῖας οὔσας. διὰ τὰς παρροιμίας. δι’ ἀφορμὴν μυθολόγων (*recte* μυθολόγων ?) ποιητικῶν. διὰ μείζονα γνῶσιν τῆς ἐλλάδος φωνῆς. / ἔμοιγε Κρουσίῳ δοκεῖν. Zitiert nach <http://www.inka.uni-tuebingen.de/hand.php>.

¹⁰ Nilsson 2005, p. 130; siehe auch Jeffreys 1979, p. 214.

¹¹ Nilsson 2006, p. 15.

¹² Z.B. Agapitos 1998; allgemein Mullett 1992; Mullett 2006.

¹³ Cf. Nilsson 2003, p. 416–420; siehe auch Bourbouhakis & Nilsson 2010, p. 272–273.

gestellten Einleitungsgedichte, von denen das eine in Hexametern abgefasst ist.¹⁴ Da jedoch in fast allen Handschriften – mit Ausnahme von zwei späten –, die Hexameterverse nach der eigentlichen Chronik überliefert sind, sollten diese auch in der Edition an das Ende gestellt werden. Dies bedeutet, dass auch die Σύνοψις Χρονικῆ – wie so viele andere Werke auch – sowohl mit einem Widmungsprolog als auch mit einem Widmungsepilog versehen ist.¹⁵ Beide Gedichte legen deutlich dar, dass Manasses den Auftrag bekam, die Chronik für die bekannte Sebastokratorissa Eirene, die verwitwete Schwägerin Kaiser Manuels I., die höchstwahrscheinlich normannischen Ursprungs war,¹⁶ zu verfassen.

Nicht nur durch die vermutlich nichtgriechische Abstammung der Adressatin, sondern auch durch Anlage und Inhalt des Werkes ist man verleitet, die Chronik als eine Art Lehrgedicht¹⁷ anzusehen, das mit dem Zweck verfasst wurde, der Prinzessin auf unterhaltsame Weise griechische ‘Weltgeschichte’ näher zu bringen.¹⁸ Das verwendete Versmaß, der byzantinische Fünfzehnsilber, ist ein weiterer Hinweis auf das Genre ‘Lehrgedicht’: Es stellt nämlich seit Symeon Neos Theologos¹⁹ und Michael Psellos²⁰ das traditionelle Metrum für Lehrgedichte dar. Weit weniger wahrscheinlich ist es, dass Eirene selbst dieses Versmaß forderte, wie dies – der Ansicht Michael Jeffreys zufolge²¹ – bei der ihr ebenfalls dargebrachten, von Ioannes Tzetzes verfassten Θεογονία der Fall war.²² Der Gebrauch des Fünfzehnsilbers ist auch unabhängig von der Tatsache zu sehen, dass Eirene nicht griechischsprachigen Ursprungs war, da dieses Versmaß auch in vielen offiziellen Gedichten eines Theodoros Prodromos oder Manganeios Prodromos Verwendung fand²³ und somit nicht als Merkmal eines niedrigen Stils angesehen werden kann. Man kann allerdings Roger

¹⁴ Lampsidis 1996, p. 4.

¹⁵ Hörandner 2007, p. 332–333; siehe auch Rhoby 2009, p. 323–324.

¹⁶ Cf. Jeffreys 1994, Rhoby 2009, p. 306–321.

¹⁷ Zum byzantinischen Lehrgedicht siehe Hörandner 2012.

¹⁸ Gegen die Identifizierung als Lehrgedicht spricht sich Reinsch 2002, p. 84–85 aus.

¹⁹ Koder 2011, p. 59–60, Anm. 127.

²⁰ Hörandner & Paul 2011.

²¹ Jeffreys 1974, p. 151–152, p. 158.

²² Rhoby 2010, p. 166–168.

²³ Cf. Kazhdan & Franklin 1984, p. 87–114.

Scott zustimmen, der meinte, dass es gerade der Fünfzehnsilber ist, der es Manasses möglich machte, auf eine Weise über Emotionen zu schreiben, die in für historiographische Werke typischer Prosa so nicht möglich wäre.²⁴

Die zahlreichen Geschichten und Anekdoten, die Manasses seiner Auftraggeberin, Mäzenin und Adressatin Eirene in der Σύνοψις Χρονική darbietet, sind auf die verschiedensten Quellen zurückzuführen, von denen sehr viele bereits identifiziert werden konnten.²⁵ Es handelt sich um bekannte und traditionelle Vorbilder wie Ioannes Lydos,²⁶ Ioannes Antiochenos,²⁷ Ioannes Malalas, Theophanes, Leon Grammatikos, Theophanes Continuatus,²⁸ Georgios Monachos,²⁹ Manasses' Hauptquelle für biblische Ereignisse,³⁰ Georgios Kedrenos,³¹ Ioannes Zonaras³² und Ioannes Skylitzes bis zu kleineren Autoren und Werken wie etwa um Flavios Philostratos' Ἡρωικός, wie jüngst von Diether Roederich Reinsch dargelegt wurde.³³ Manasses zog allerdings nicht nur alte Quellen heran, sondern nahm durchaus auch Anleihen bei zeitgenössischen Autoren, so nämlich bei Ioannes Tzetzes, der ebenfalls als Auftragsdichter am Kaiserhof beschäftigt war.³⁴ Da die beiden einer Art gelehrten Kreis um die Sebastokratorissa Eirene angehörten,³⁵ zu dem auch Theodoros Prodromos, der so genannte Manganeios Prodromos und der Mönch Iakobos zählten, ist es auch keine große Überraschung, dass gegenseitige

²⁴ Scott 2006, 43.

²⁵ Cf. die einschlägigen Bemerkungen und Studien von Hirsch 1876, p. 403–412; Lampsides 1980, p. 187–195; Lampsidis 1996, p. XLVIII–XLIX, LII–LIV; Nilsson & Nyström 2009, p. 46–52; Kiapidou 2009.

²⁶ Cf. Karpozilos 2009, p. 540.

²⁷ Cf. Jeffreys 1979, p. 208.

²⁸ Cf. Lampsidis 1996, II, p. 126–131, 158–163.

²⁹ Cf. Jeffreys 1979, p. 208.

³⁰ Cf. Karpozilos 2009, p. 539.

³¹ Cf. Jeffreys 1979, p. 208.

³² Cf. Lampsides 1980, p. 141–160; Scott 2006, p. 43; siehe auch Hunger 1978, I, p. 418; Jeffreys 1979, p. 210. Kazhdan 1991b wollte keine direkte Verbindung zwischen Zonaras und Manasses erkennen, sondern dachte daran, dass beide unabhängig voneinander die gleiche Quelle benutzen.

³³ Cf. Reinsch 2007; siehe auch Jeffreys 1979, p. 204, 212.

³⁴ Cf. Jeffreys 1979, p. 211–212; Karpozilos 2009, p. 540; Rhoby 2010, p. 167–168.

³⁵ Zum „Kreis“ der Sebastokratorissa und den damit verbundenen Fragestellungen cf. Rhoby 2009, p. 306–321.

Wechselwirkungen – und sei es nur im Wortschatz – feststellbar sind.

2. Auswahl und Aufbereitung der Quellen³⁶

Zur Auswahl der Quellen äußert sich Manasses bereits in den letzten Versen seines an die Sebastokratorissa gerichteten, wahrscheinlich erst nach Beendigung der Chronik verfassten Prologgedichts:³⁷

Während sich aber viele Historiker und Chronisten
bemühten, richtig und wahrheitsliebend zu reden,
die Geschehnisse aber voneinander abweichend verfassten,
werden wir dir, indem wir jene auswählen, die am meisten
[den Eindruck erwecken,
sich an die Genauigkeit zu halten und eher die Wahrheit
[zu sagen,
das nach Möglichkeit erfüllen.

In den Versen, von denen der letzte an das berühmte *sine ira et studio* des Tacitus erinnert,³⁸ kommentiert Manasses ganz allgemein seine Vorgehensweise beim Heranziehen von Quellen. Da ihm Widersprüche in seinen Vorlagen bewusst sind, kündigt er an, nur jene zu benützen, die ihm am wahrheitsgetreuesten erscheinen. Weiter unten zu diskutierende Beispiele beweisen allerdings, dass Manasses nicht immer Stellung bezieht, sondern differierende und auch widersprüchliche Berichte in den Quellen nebeneinander stellt.

In der ersten Hälfte des Widmungsgedichtes führt Manasses auch an, was er unter wahrheitsgetreu versteht: Seine leicht überschaubare und klare Schrift möge die Sebastokratorissa in

³⁶ Die folgenden Bemerkungen sind als Parergon zu einer von Anneliese Paul und dem Verfasser in Ausarbeitung befindlichen deutschen Übersetzung der Σύνοψις Χρονική des Konstantinos Manasses zu verstehen. Bislang existiert nur eine vollständige Übersetzung in eine moderne Sprache, nämlich Lampsides 2003.

³⁷ Lampsidis 1996, I, p. 6, vv. 21–26: πολλῶν ιστορησάντων δὲ καὶ χρονογραφησάντων / καὶ σπουδασάντων μὲν εἰπεῖν ὀρθῶς καὶ φιλαλήθως, / ἀλλήλοις ἀνομοίως δὲ τὰυτὰ συγγραψαμένων, / ἡμεῖς, προχειρισάμενοι τοὺς μάλιστα δοκοῦντας / τῆς ἀκριβείας ἔχεισθαι καὶ μᾶλλον ἀληθεύειν, / τὸ κατὰ δύναμιν ἡμῖν ἀποπληρώσομέν σοι.

³⁸ Cf. Rhoby 2009, p. 324.

ἀρχαιολογίαι³⁹ instruieren,⁴⁰ worunter er vergangene Ereignisse von der Erschaffung der Welt bis zum Machtantritt des Alexios I. versteht, wobei freilich nicht zwischen biblischer Erzählung und eigentlicher ‘Geschichte’ unterschieden wird. Darüber hinaus kündigt Manasses an, die Sebastokratorissa in der Frage zu unterrichten, wer wie lange und über wen herrschte.⁴¹

Trotz dieser sehr klaren Ansage und der dringlichen Forderung nach Genauigkeit ist es offensichtlich, dass sich Manasses – zumindest nach heutigen Standards – nicht daran hielt. Die Anlage des Werkes, die darin geschilderten Anekdoten und Geschichten, machen deutlich, dass Manasses im Grunde genommen an der von ihm eingeforderten Genauigkeit nicht interessiert war.⁴² Dies, aber auch die literarische Sprache hatte ihm auch in der frühen Forschungsgeschichte (mit Ausnahme des Martin Crusius) eine eher schlechte Presse beschert. Karl Krumbacher kanzelt Manasses’ Chronik mit folgenden Worten ab: ‘Das geschichtliche Verständnis und Interesse bewegt sich auf demselben spiessbürgerlichen, volkstümlichen Niveau wie bei Georgios Monachos und Glykas’.⁴³ Auch Herbert Hunger hält fest: ‘Die historische Substanz bleibt äußerst dürftig’.⁴⁴ Diese Aussage entstand sicher auch unter dem Eindruck, dass in der Σύνοψις Χρονική wichtige historische Ereignisse fehlen: Bei der Beschreibung des römischen Kaisers Nero⁴⁵ fehlt etwa der Hinweis auf den bekannten Brand Roms. Nicht erwähnt wird etwa auch das erste Konzil von Nikaia, auch wenn Manasses konstatiert, dass Konstantin der Große⁴⁶ ‘Kind wird der ehrwürdigen Herde Christi’ und⁴⁷

³⁹ Zum Begriff Koder 2013. Ich danke J. Koder für die Übermittlung des Beitrages noch vor Drucklegung.

⁴⁰ Lampsidis 1996, I, p. 5, vv. 8–9: εὐσύννοπτόν σοι καὶ σαφὴ γραφὴν ἐκπονηθήναι, / τρῶνός ἀναδιδάσκουσιν τὰς ἀρχαιολογίας.

⁴¹ Lampsidis 1996, I, p. 5, vv. 10–11: καὶ τίνες ἦρξαν ἀπ’ ἀρχῆς καὶ μέχρι ποῦ προήλθον / καὶ τίνων ἐβασίλευσαν καὶ μέχρις ἐτῶν πόσων.

⁴² Cf. Jeffreys 1979, p. 208–209.

⁴³ Krumbacher 1897, p. 376.

⁴⁴ Hunger 1978, I, p. 419.

⁴⁵ Lampsidis 1996, I, p. 107–108, vv. 2009–2033.

⁴⁶ Lampsidis 1996, I, p. 125, v. 2299: καὶ θεῆμμα γίνεται Χριστοῦ σεπτῆς ἀγγελίας.

⁴⁷ Lampsidis 1996, I, p. 126, vv. 2305–2307: καὶ γέγονε περίτρωτος σάλπιγξ ἀργυροσάλπιγξ, / ἀπ’ ἄκρων γῆς εἰς ἄκρα γῆς ἤχουσα καὶ βοῶσα / καὶ πανταχῇ σαλπίζουσα τὴν εἰς τὸν κτίστην πίστιν. Auf dem Wortpaar σάλπιγξ ἀργυροσάλπιγξ ähnliche Formulierungen trifft man auch in Lampsides 1996, I, p. 205, v. 3764:

zur deutlich hörbaren Trompete, silbernen Trompete wurde,
die von den einen Enden der Erde bis zu den anderen
[erklang und tönte
und überall den Glauben an den Schöpfer ausposaunte.

Kirchenpolitik spielt in der Chronik insgesamt eine untergeordnete Rolle, da diese auch nicht in das Schema der für die Sebastokratorissa dargebotenen Geschichten gepasst haben kann.⁴⁸

Verschiedene Ungenauigkeiten und Unklarheiten waren aber auch der Grund, weshalb ein Schreiber des 13. Jahrhunderts an verschiedenen Stellen der Chronik insgesamt 102 Verse mit chronologischen Angaben einfügte.⁴⁹

Ein wichtiges Signalwort ist das in Vers 24 des Prologgedichts verwendete *προχειρισάμενοι*. Manasses trifft nicht nur eine Auswahl bei den ihm am vertrauenswürdigsten erscheinenden Autoren, sondern auch bei den Erzählungen und Szenen, die er seiner Adressatin darbringt.⁵⁰ Die Chronik besteht daher über weite Strecken aus mehr oder weniger unabhängig voneinander zu erzählenden, vom Autor ausgewählten Episoden. Manasses kommentiert mitunter auch seine Auswahl: Als er vom Zusammentreffen von Paris mit Helena berichtet, deren Erscheinung mit zahlreichen *epitheta ornantia* über elf Verse beschrieben wird,⁵¹ hält er fest, dass Paris, als er sie sah, von ihrer Schönheit bezaubert war.⁵² Manasses möchte jedoch bei dieser Szene nicht festhalten, wie er im darauf folgenden Vers konstatiert.⁵³

Μάξιμος δ' ὁ καλλίγλωττος, σάλπιγξ ἢ χρυσοσάλπιγξ und in Lampsides 1996, I, p. 266, v. 4894: καὶ σάλπιγξ ἐχρημάτισεν εὖσημος, χρυσοσάλπιγξ. Sowohl ἀργυροσάλπιγξ als auch χρυσοσάλπιγξ sind von Manasses erfundene Wörter.

⁴⁸ Juan Signes weist mich dankeswerterweise darauf hin, dass manche kirchenpolitische Ereignisse schon bei den spätantiken Kirchenhistorikern selbst nur en passant gestreift werden, weil sie damit ihre Leser nicht langweilen wollen: So widmet Sozomenos dem Konzil von Nikaia nur einen sehr kurzen Abschnitt (I 20,3 [Bidez – Hansen ²1995, p. 41–42]), und Sokrates Scholastikos meint im Proömium zum fünften Buch (Hansen 1995, p. 274–275), dass die Erzählung von den Streitigkeiten der Bischöfe die Leser langweilen würde.

⁴⁹ Lampsidis 1996, I, p. LXXI–LXXVI; siehe auch Reinsch 2002, p. 85. In der Edition von Lampsidis 1996 durch Kleindruck ausgewiesen.

⁵⁰ Cf. Nilsson 2003, p. 420; Reinsch 2002, 90.

⁵¹ Lampsidis 1996, I, p. 66, vv. 1157–1167.

⁵² Lampsidis 1996, I, p. 66, v. 1168: ὁρᾷ ταύτην Ἀλέξανδρος (i.e. Paris), ἀλίσκεται τῷ ἁλλῶν.

⁵³ Lampsidis 1996, I, p. 66, v. 1169: καὶ τί πολλὰ καὶ περιττὰ μακρογορεῖν καὶ γράφειν;

Und wozu soll ich viel und mehr langatmig sprechen und schreiben?

Vielleicht aus einer gewissen Scham seiner Adressatin gegenüber heraus spinnt er diese Geschichte nicht fort⁵⁴ und beginnt im folgenden Vers von Helenas 'Raub' durch Paris zu berichten.

An anderer Stelle, bei der Schilderung des Leon III., den er als brutalen Kaiser charakterisiert, und des Beginns des Ikonoklasmus, weist Manasses explizit darauf hin, dass er eine Episode (von vielen) darbringt, um die Szene aussagekräftig darzustellen. Zunächst hält er fest, dass über den Frevel des Leon gegen Christus und dessen Märtyrer die βίβλοι καὶ λόγοι... ἀνθρώπων παλαιτέρων berichten.⁵⁵ Mit den ἄνθρωποι παλαιέτεροι sind die Autoren vor ihm bzw. allgemein die Autoren, die über die Vergangenheit berichten, gemeint.⁵⁶ Um die Brutalität Leons zu schildern, wählt Manasses eine Szene *pars pro toto* aus, wie er darlegt:⁵⁷

Ich aber werde eines von all diesen auswählen
und den Perser (i.e. Leon III.) erkennen lassen am Kaftan
[und der Halskette
und den krächzenden Raben an der schwarzen Farbe.

Die danach ausführlich geschilderte Episode handelt vom vermeintlichen Inbrandsetzen der Bibliothek bei der Hagia Sophia durch Leon III.⁵⁸ Nur in Parenthese sei erwähnt, dass diese Brandstiftung durch Leon III. niemals stattgefunden hat.⁵⁹ Ma-

⁵⁴ Wenngleich an vielen anderen Stellen in der Chronik Geschichten von durchaus erotischem Inhalt zu finden sind, cf. Reinsch 2002, p. 86–88.

⁵⁵ Lampsidis 1996, I, p. 228, vv. 4182–4187.

⁵⁶ Ähnliche Aussagen sind in den Versen 2181 und 5700 zu finden: Lampsidis 1996, I, p. 118, v. 2181: τοῦτόν (i.e. den römischen Kaiser Marcus Antoninus) φασιν οἱ παλαιὰν γράψαντες ἱστορίαν. Lampsidis 1996, I, p. xlviii u. 118, app. nimmt als Quelle Ioannes Antiochenos an. Lampsidis 1996, I, p. 307, v. 5700: ὡς γὰρ φασιν οἱ γράψαντες πρὸ χρόνων παλαιτέρων. Lampsidis 1996, I, p. xlviii u. 307, app. vermutet hinter den über die Zeit des Nikephoros Phokas οἱ γράψαντες πρὸ χρόνων παλαιτέρων Ioannes Zonaras und Ioannes Skylitzes.

⁵⁷ Lampsidis 1996, I, p. 228, vv. 4188–4190: ἐγὼ δ' ἀπολεξάμενος ἐν ἀπὸ πάντων τούτων / τὸν Πέρσην ἐκ τοῦ κἀνδύος καὶ τοῦ στρεπτοῦ γνωρίσω / καὶ κόρακα τὸν κροατικὸν ἐκ τῆς μελαντηρίας. Das Zahlwort ἐν in Vers 4188 kann sich grammatikalisch nicht auf βίβλοι oder λόγοι im vorangehenden Vers beziehen. Vermutlich will Manasses damit ausdrücken, dass er 'eine' Begebenheit schildern will.

⁵⁸ Lampsidis 1996, I, p. 228–230, vv. 4191–4236.

⁵⁹ Cf. Speck 1974, 105, Anm. 88.

nasses' Quelle für die Schilderung ist Leon Grammatikos,⁶⁰ den er auch sonst reichlich heranzog.

Unglücklicherweise ist Manasses im Allgemeinen kaum konkret, was die Nennung seiner Quellen betrifft. Dies ist jedoch ein Phänomen, das er mit anderen byzantinischen Historikern mit Ausnahme des Ioannes Malalas teilt.⁶¹ Nur an einer Stelle erwähnt Manasses seine Quelle *verbatim*.⁶² Als er über das frühe Ägypten berichtet, hält er in den Versen 515–516 Folgendes fest:⁶³

Bei den Ägyptern gab es den allerersten König,
und dieses Faktum bezeugt ein Wort der göttlichen Schrift.

Manasses führt somit an, dass er aus der Bibel zitiert. In der Tat beruhen die danach folgenden Verse auf Gen. 12,10–20, die Abrahams und Saras Aufenthalt in Ägypten zum Inhalt haben und auch davon berichten, dass der Pharao beim Anblick Saras von Verlangen erfasst wurde. In Vers 525 hält Manasses in einer Parenthese fest, dass zu der Zeit Abimelech 'König' der Ägypter war.⁶⁴ Diese Aussage ist jedoch unrichtig, da Abimelech nicht ägyptischer Pharaoh, sondern Gen. 20f. zufolge König von Gerar⁶⁵ war, auf den Abraham und Sara später auf ihrer Wanderung trafen. Die beiden Schilderungen weisen jedoch durchaus Ähnlichkeiten auf, da auch der König von Gerar Interesse an Sara hatte, da er davon ausging, dass sie Abrahams Schwester war. Der Fehler der Verschmelzung der beiden Genesis-Stellen ist allerdings nicht Konstantinos Manasses anzulasten. Der Fehler ist bereits in seiner Quelle, Georgios Monachos, vorhanden,⁶⁶ wo Folgendes zu lesen ist:⁶⁷

⁶⁰ Cf. Lampsidis 1996, I, p. 228–230, app.

⁶¹ Cf. Nilsson 2004, p. 14 u. Anm. 11; siehe auch Nilsson 2001, p. 261–286; Jeffreys 1979, p. 216–217, 220–221, 228.

⁶² Cf. Lampsidis 1996, I, p. XLVIII.

⁶³ Lampsidis 1996, I, p. 31, vv. 515–516: Παρ' Αἰγυπτίοις βασιλεὺς πρῶτος ὑπῆρξε πάντων / καὶ μαρτυρεῖ τῷ πράγματι ὅησις γραφῆς τῆς θείας. Zur Konstruktion μαρτυρέω cum dat. rei cf. Liddell & Scott & Stuart Jones & McKenzie 1925–1940, s.v. I 2b.

⁶⁴ Lampsidis 1996, I, p. 32, v. 525: ἦν δ' Ἀβιμέλεχ βασιλεὺς τότε τῶν Αἰγυπτίων.

⁶⁵ Gen. 26 zufolge auch König der Philister.

⁶⁶ Cf. Karpozilos 2009, p. 543–544.

⁶⁷ De Boor 1904, I, p. 95, ll. 6–8: λιμοῦ δὲ γενομένου καταλιπὼν Ἀβραὰμ τὴν Χαναanaίων γῆν εἰς Αἴγυπτον ἀπῆει, οὗ τὴν γυναῖκα Σάρραν Ἀβιμέλεχ ἀρπάσας ὁ βασιλεὺς...

Als aber eine Hungersnot entstand, verließ Abraham Kanaan und ging nach Ägypten; dessen Frau Sara riss der König Abimelech an sich...

Georgios Monachos nennt als Quelle für seine Schilderung Κλήμης ὁ Ῥωμαῖος.⁶⁸ In Wahrheit verbirgt sich dahinter eine Homilie (Nr. XVII 27, 1-2) der so genannten Pseudoklementinen aus dem 2. Jahrhundert n. Chr. Wenn es sich dabei tatsächlich um die Quelle des Georgios Monachos handelte, muss man davon ausgehen, dass er diese nicht sorgfältig studiert hat, da dort Abimelech und der Pharao klar als zwei getrennte Personen angeführt sind.⁶⁹

Als Erkenntnis aus der genannten Passage bei Manasses bleibt festzuhalten, dass der Autor der Σύνοψις Χρονική trotz der Vorgabe, dass er aus der Heiligen Schrift zitiert (ῥήσις γραφῆς τῆς θείας), aus Georgios Monachos schöpft, der auch sonst als Hauptquelle für biblische Ereignisse fungiert.⁷⁰

In ein paar wenigen weiteren Passagen, in denen Manasses aus der Bibel zitiert bzw. vorgibt, daraus zu zitieren, schreibt er Σολομώντος λόγος (Vers 5044), wobei es sich um ein Zitat aus den Sprichwörtern handelt, und ἡ λύρα ψάλλει τοῦ Δαβίδ (Vers 5085) und ὡς ὁ Δαβὶδ ψάλλει (Vers 5378), wenn es sich um ein Psalmenzitat handelt.⁷¹

Auch Homer wird in der Σύνοψις Χρονική wörtlich genannt, nämlich am Beginn einer detaillierten Schilderung des Trojanischen Krieges,⁷² die ungefähr 350 Verse einnimmt. Da Manasses, bevor er zu diesem Ereignis kommt, über König David spricht und auch noch einmal kurz auf die Einnahme und Zerstörung Jerusalems durch Nebukadnezar eingeht,⁷³ muss er einen glatten

⁶⁸ De Boor 1904, I, p. 95, ll. 4-6.

⁶⁹ Rehm 1969, p. 238, ll. 23-27: πέρας γοῦν ἐν τῷ νόμῳ γέγραπται, ὡς ὁ Ἀβιμέλεχ (ἄσεβης ὢν, τὴν τοῦ δικαίου Ἀβραάμ γυναῖκα ἐπὶ κοινωνίᾳ μᾶναι θελήσας) ἤκουσεν παρὰ τοῦ θεοῦ καθ' ὕπνον (ὡς ἡ γραφὴ λέγει) μὴ θιγεῖν αὐτῆς, ὅτι ἀνδρὶ συμφωκηκυῖά ἐστιν. ἀλλὰ καὶ ὁ Φαραώ (ἄσεβης ἀνὴρ) ἐώρακεν ὄνειρον περὶ τε πυρὸς εὐφορίας καὶ ἀφορίας...

⁷⁰ Siehe oben S. 394.

⁷¹ Cf. Lampsidis 1996, I, p. XLVIII.

⁷² Zu diesem Abschnitt cf. Karpozilos 2009, p. 558-573; Nilsson 2006, p. 23-24; Nilsson 2004, p. 19-22.

⁷³ Lampsidis 1996, I, p. 63, vv. 1105-1107.

Übergang von biblischer Geschichte zur Mythologie herstellen, was ihm auch wunderbar gelingt:⁷⁴

Als David damals über seine Stammesgenossen herrschte,
wurde von den Griechen der Krieg gegen die Trojaner
[einberufen
wegen Helena, der Frau des Menelaos.

Die Kombination von Mythologie, Geschichte und Altem Testament hat viele Vorbilder in der Chronistik, so etwa den von Manasses häufig herangezogenen Georgios Kedrenos.⁷⁵

Wenn Manasses den Namen Homer in den Mund nimmt, dann tut er dies nicht mit Bewunderung, sondern mit heftiger Kritik, die er im Übrigen mit anderen byzantinischen Chronisten und manchen Dichtern (z.B. Theodosios Diakonos) teilt.⁷⁶ Den langen Abschnitt zum Trojanischen Krieg leitet Manasses nämlich mit folgen Worten ein:⁷⁷

Da ich diesen Kampf beschreiben will,
wie von den (früheren) Historikern über ihn geschrieben wird,

⁷⁴ Lampsidis 1996, I, p. 63, vv. 1108–1110: Τοῦ δὲ Δαβὶδ κατάρχοντος τότε τῶν ὁμοφύλων, / ὁ πρὸς τοὺς Τρῶας πόλεμος Ἑλλησιν ἐκροτήθη, / χάριν Ἑλένης γαμετῆς οὐσῆς τοῦ Μενελάου.

⁷⁵ Jeffreys 1979, p. 209. Eine Verbindung von König David zum Trojanischen Krieg ist auch in Manasses' Schilderung vom Tod des Hektor angeführt: Lampsidis 1996, I, p. 75, vv. 1353–1365 (zu dieser Passage cf. Cupane 2008, p. 255). Als Hektor stirbt, richtet der verzweifelte Priamos ein Hilfesuch an David. Dieser verweigert aber die Hilfe, vor allem weil er Griechen sowie Barbaren verabscheut, die seines Erachtens den wahren Gott nicht kennen und Götzen verehren. Die Quelle für diese Erzählung könnte die heute nur in lateinischer Version vorhandene Schilderung des Trojanischen Krieges aus der Feder des Dictys Cretensis (ca. 200 n. Chr.) sein, den Lampsides 1996, II, p. 118–119 für einige Stellen in der Chronik als Quelle identifizierte. Wahrscheinlicher ist es aber, dass der von Manasses auch sonst viel benützte (siehe oben S. 394) Ioannes Antiochenos zugrunde lag: Roberto 2005, p. 90 (cap. 42, 1–2); siehe auch Jeffreys 1979, p. 208. Da jedoch dort von den von David vorgebrachten Gründen, Priamos nicht zu helfen, nichts zu lesen ist, kann man davon ausgehen, dass diese ein persönlicher Zusatz von Manasses sind, um die Schilderung lebendiger zu gestalten. Cf. die Bemerkungen von Martin Crusius (siehe oben Anm. 9): Manasses sei u.a. wegen διὰ τὰς ιστορίας, ἄλλας τε, καὶ τινὰς ἰδίαις lesenswert.

⁷⁶ Cf. Cupane 2008, p. 254.

⁷⁷ Lampsidis 1996, I, p. 63–64, vv. 1111–1117: ταύτην ἐγὼ βουλόμενος τὴν μάχην ιστορῆσαι / καθὼς τοῖς ιστορήσασιν γράφεται περὶ ταύτης, / καὶ μέλλων λέγειν, οὐ καθὼς Ὅμηρος ἀναγράφει, / συγγνώμην ἐξαίτησομαι παρὰ τῶν εὐγνωμόνων / Ὅμηρος γὰρ ὁ μελιχρὸς τὴν γλῶτταν καὶ θελξίνους / μεθόδοις χρώμενος σοφαῖς οἰκονομεῖ τοὺς λόγους, / ἐνιαχοῦ δὲ τὰ πολλὰ στρέφει καὶ μετατρέπει.

und ich erzählen will, nicht wie Homer es aufschreibt,
werde ich um Verzeihung bitten bei den Sachverständigen:
Der nämlich in seiner Sprache honigsüße
[und sinnverzaubernde Homer
verwendet beim Anordnen der Erzählungen weise Methoden,
bisweilen aber verdreht er viel und wendet es um.

Lampsidis, der moderne Editor der Chronik, bezieht Vers 1112 (καθὼς τοῖς ἱστορήσασι γράφεται περὶ ταύτης) auf Dictys Cretensis (siehe Anm. 75).⁷⁸ In Wahrheit aber ist kein klares Vorbild auszumachen, sodass man davon ausgehen kann, dass Manasses aus verschiedenen Quellen einzelne Szenen nach seinem eigenen Gutdünken zusammenstellte.⁷⁹

Eine gewisse Homerskepsis begegnet jedoch nicht erst bei byzantinischen Chronisten wie Manasses, sondern bereits bei einem der ersten griechischen ‘Geschichtsschreiber’, nämlich bei Herodot, der ein sehr ambivalentes Verhältnis zu Homer hat.⁸⁰ Trotz der Tatsache, dass herodotische Erzählungen sehr oft als Vorlage in der Σύνοψις Χρονική identifiziert werden können,⁸¹ wird Herodot selbst von Manasses kein einziges Mal explizit erwähnt. Dies liegt auch daran, dass Manasses vermutlich nie aus Herodot (und anderen antiken Autoren) direkt zitiert,⁸² sondern Schilderungen von Chronisten vor seiner Zeit übernimmt. Ein Beispiel möge dies verdeutlichen:

Lampsidis ist der Meinung, dass bei der folgenden Schilderung über den medizinischen König Astyages Herodot als Vorbild zu identifizieren ist.⁸³

Nach kurzer Zeit rückte der Meder Dareios mit großer Streitmacht an, den die Kinder der Griechen,

⁷⁸ Lamprodis 1996, I, p. XLVIII; p. 63, app.: *hic Dictym Cretensem intellegit*.

⁷⁹ Cf. Nilsson 2004, p. 20.

⁸⁰ Cf. Boedeker 2002.

⁸¹ Cf. Lampsidis 1996, II, p. 120.

⁸² Für Herodot als direktes Vorbild, vor allem hinsichtlich des bei Manasses häufig anzutreffenden Phthonos-Motivs, treten allerdings Reinsch 2002, p. 93, Reinsch 2007, p. 269–270 und Hinterberger 2011, p. 96 ein.

⁸³ Lampsidis 1996, I, p. 42–43, vv. 714–719: Μετὰ μικρὸν ὁ Μήδης δὲ Δαρεῖος ἐπελάσας / μετὰ πολλῆς δυνάμεως, ὃν φασιν Ἀστυάγην / παῖδες Ἑλλήνων Περσικὰς γράφοντες ἱστορίας, / καθεῖλε τὸν ὑπερφύρου Βαλτάσαρ τὸν Χαλδαῖον / καὶ Βαβυλώνως ἔκαμψε τὴν σκληροτραχηλίαν / καὶ Μηδικῆς ἐποίησεν ὑπόφορον ἰσχύος.

die über persische Geschichte schreiben, Astyages nennen,
enthronte den hochmütigen Baltasar, den Chaldäer,
und beugte die Halsstarrigkeit Babylons
und machte es der medischen Macht steuerpflichtig.

Zu Vers 716 (παῖδες Ἑλλήνων Περσικὰς γράφοντες ἱστορίας) merkt Lampsidis im Apparat seiner kritischen Ausgabe an: *hic Herodotum intellegit*.⁸⁴ Unter den παῖδες Ἑλλήνων seien 'οἱ Ἑλληνες συγγραφεῖς τῆς περσικῆς ἱστορίας' zu verstehen, wie Lampsidis in seiner neugriechischen Übersetzung der Chronik notiert.⁸⁵ Die Behauptung, dass der medische König Dareios von 'jenen, die über persische Geschichte schreiben', Astyages genannt werde, kann jedoch bei Herodot nicht verifiziert werden; bei Herodot (1.130) sind die beiden zwei verschiedene Personen. Die hier herangezogene Quelle des Manasses dürfte das *Chronicon Paschale* gewesen sein, wo es heißt:⁸⁶ 'Manche sagen, dass Dareios auch Astyages genannt wurde'. Die Gleichsetzung Dareios-Astyages ist auch bei Georgios Synkellos,⁸⁷ Georgios Monachos⁸⁸ und Georgios Kedrenos⁸⁹ zu finden. Allein schon durch die Umschreibung παῖδες Ἑλλήνων macht Manasses klar, dass er die Information nicht alleine von Herodot haben kann. Es ist vielmehr zu vermuten, dass Manasses hier durch παῖδες Ἑλλήνων die im *Chronicon Paschale* genannten τινες ('irgendwelche'/'manche') meint, die diese Behauptung aufgestellt haben. Auf welche Quelle sich das *Chronicon Paschale* bezog, kann nicht bestimmt werden. Vielleicht handelte es sich um eine verloren gegangene Quelle.

In nicht wenigen Passagen verwendet Manasses unverbindliche Ausdrücke wie φησί(ν) oder φασί(ν), um anzuzeigen, dass er eine Erzählung von früheren Autoren bzw. Chronisten übernommen hat.⁹⁰

Mitunter führt er auch verschiedene, teilweise sich widersprechende Quellen zu einem bestimmten Ereignis an, so etwa

⁸⁴ Siehe auch Lampsidis 1996, I, p. XLVIII.

⁸⁵ Lampsides 2003, p. 97.

⁸⁶ Dindorf 1832, p. 264, l. 15: Τινές φασι τουτονι τὸν Δαρεῖον καὶ Ἀστυάγην ἐπικεκλήσθαι.

⁸⁷ Mosshammer 1984, p. 247, l. 14; p. 265, l. 26; p. 271, l. 18 etc.

⁸⁸ De Boor 1904, I, p. 284, l. 23.

⁸⁹ Bekker 1838, p. 251, l. 19.

⁹⁰ Cf. Lampsidis 1996, I, p. XLIX.

in den Versen 6143–6145, die von Konstantinos Monomachos handeln. Mit den Phrasen κατ' ἄλλους μὲν... ὡς ἄλλοι δέ τινες φασιν... stellt er die beiden Erzählstränge nebeneinander. Um auch die zweite Quelle ebenso vertrauenswürdig erscheinen zu lassen, hält er fest, dass auch ihr keine Lüge zugrunde liege.⁹¹ Die Stelle referiert die Gründe, weswegen Konstantinos von Kaiser Michael IV. zwischen 1034 und 1042 auf die Insel Lesbos ins Exil⁹² geschickt wurde:⁹³

Und er wurde nämlich verurteilt, diese Insel zu bewohnen,
 von dem ersten Michael, der herrschte,⁹⁴
 nach den einen, weil er versucht hatte, die Macht an sich
 [zu reißen
 – strittig nämlich waren die Gerüchte, die über ihn
 [vorherrschten,
 da andere sagen, die nicht lügen,
 weil er sich mit der Kaiserin Zoe auf schändliche Weise
 [sexuell vereinigt hatte.

Diese Stelle ist auch ein gutes Beispiel dafür, wie Manasses, der sich in spätbyzantinischer Zeit großer Popularität erfreute,⁹⁵ später selbst als Quelle benützt wurde.

In der Chronik des Michael Glykas sind auf ähnliche Weise ebenfalls beide Erklärungen zum Exil des Monomachos angeführt. Zur Veranschaulichung seien die beiden Passagen einander gegenüber gestellt:⁹⁶

⁹¹ Lampsidis 1996, I, p. 331, v. 6645: ... οἷς ἀψευδῆς ἡ γλῶσσα.

⁹² Dazu Koder 1998, p. 230.

⁹³ Lampsidis 1996, I, p. 331–332, vv. 6141–6146: καὶ γὰρ καταδεδίαστο ταύτην οἰκεῖν τὴν νῆσον / ὑπὸ τοῦ πρώτου Μιχαὴλ τοῦ βεβασλευκότος / κατ' ἄλλους μὲν ὡς τὴν ἀρχὴν πειρώμενος ἀρπάζειν / (ἀνδρα γὰρ ἐκράτησαν αἱ περὶ τοῦτου φῆμαι), / ὡς ἄλλοι δέ τινες φασιν, οἷς ἀψευδῆς ἡ γλῶσσα, / ὡς συμφθαρεῖς ἐρωτικῶς Ζωῇ τῇ βασιλίσσει.

⁹⁴ Es ist nicht ganz klar, was mit ὑπὸ τοῦ πρώτου Μιχαὴλ τοῦ βεβασλευκότος gemeint ist. Dass er als 'erster' Michael am Kaiserthron zu verstehen ist, ist durch die historische Realität ausgeschlossen. Vermutlich wollte Manasses zum Ausdruck bringen, dass dieser Michael der erste der beiden aufeinander folgenden Michael (Michael IV., reg. 1034–1041; Michael V., reg. 1041–1042) war.

⁹⁵ Dies ist etwa bezeugt durch eine slawische Übersetzung im 14. Jahrhundert, eine volkssprachlich stilisierte Prosafassung und Auszüge aus der Chronik, die in Gnomologien eingegangen sind. Für die Editionen siehe Hunger 1978, I, p. 422.

⁹⁶ Die hochgestellten Ziffern weisen übereinstimmende Passagen aus.

Manasses (Lampsidis 1996, I, p. 331–332, vv. 6141–6146):

Καὶ γὰρ καταδεδίκαστο ταύτην οἰκεῖν τὴν νῆσον
 ὑπὸ τοῦ πρώτου Μιχαήλ τοῦ βεβασιλευκότος,
 κατ' ἄλλους μὲν ὡς τὴν ἀρχὴν πειρώμενος ἀρπάζειν
¹(ἄνδιχα γὰρ ἐκράτησαν αἱ περὶ τοῦτου φῆμαι),
²ὡς ἄλλοι δὲ τινὲς φασιν, οἷς ἀψευδὴς ἡ γλώσσα,
 ὡς ³συμφθαρεῖς ἐρωτικῶς Ζωῇ τῇ βασιλίᾳ.

Michael Glykas (Bekker 1836, p. 593, ll. 8–13):

¹Ἐφημίζετο γὰρ παρὰ πάντων ὡς ἐγκρατὴς ἔσται τῆς βασιλείας. Καὶ οὕτω μὲν τῷ Σκυλίτῃ περὶ τοῦ Μονομάχου διείληπται. ²λέγεται δὲ καὶ τοῦτο, ὅτι τῶν κρατούντων ἤδη παρελθόντων Λεσβόθεν τῇ βασιλίδι μεταπέμπεται· ἐξώριστο γὰρ ἐκείθεν παρὰ τοῦ Μιχαήλ ἅτε τῇ βασιλίδι ³συμφθεῖρεσθαι λεγόμενος.

F. Hirsch, der sich als erster im Detail mit den Quellen des Manasses auseinandersetzte, identifizierte Glykas als eine von dessen Hauptquellen.⁹⁷ Doch bereits seit Krumbacher⁹⁸ ist man davon überzeugt, dass die Chronik des Glykas nach jener des Manasses entstand, wahrscheinlich nach dem Ende von dessen Gefangenschaft, die zumindest bis in das Jahr 1164 reichte.⁹⁹ Mittlerweile konnte auch festgestellt werden, dass Glykas reichlich aus der Σύνοψις Χρονική des Manasses schöpfte.¹⁰⁰ Lampsidis jedoch übersah diese Übereinstimmungen, da er im *Index locorum* nur eine Stelle bei Glykas nennt,¹⁰¹ obwohl der Index nicht nur auf *fontes* beschränkt ist, wie die Erwähnung von Niketas Choniates, Georgios Akropolites und anderen beweist.

Ist es gerechtfertigt, anzunehmen, dass Glykas auch bei der oben zitierten Stelle Manasses zum Vorbild nahm? Gleichlautende Phrasen und ähnliches Vokabular würden diese These unterstützen. Glykas ist allerdings in seiner Schilderung weit konkreter, da er sich bei der Nennung der Quellen nicht mit dem Anführen von Anonymi begnügt, sondern seine Vorlage, nämlich Ioannes

⁹⁷ Hirsch 1876, p. 405.

⁹⁸ Krumbacher 1897, p. 377, 383; cf. Karpozilos 2009, p. 541–542.

⁹⁹ Cf. Kazhdan 1991a.

¹⁰⁰ Cf. Mauromate-Katsougiannopoulou 1984, p. 226–246; siehe auch Jeffreys 1979, p. 202, p. 234, Anm. 160; Karpozilos 2009, p. 548, 587, 593–594.

¹⁰¹ Lampsidis 1996, II, p. 120; siehe auch I, p. XLV–XLVI.

Skylitzes, wörtlich erwähnt.¹⁰² Es ist daher gut vorstellbar, dass Glykas beim Verfassen des Textes sowohl Skylitzes als auch Manasses vor sich liegen hatte: Skylitzes für die genaue Information über die Geschehnisse, Manasses hingegen für Sprache, Stil und Vokabular.¹⁰³

Karpozilos ist der Meinung, dass Glykas die Verschronik des Manasses vor allem ob ihres reichhaltigen Wortschatzes benutzte.¹⁰⁴ In der Tat gibt es einige sonst nicht oder nur wenig attestierte Wörter, die Glykas von Manasses (neben ganzen Passagen) übernommen haben dürfte,¹⁰⁵ wie etwa bei den Wörtern ἀστρολόσχης,¹⁰⁶ ἀψιν-
θαίζω, δορατότρωτος,¹⁰⁷ κοπρηρός,¹⁰⁸ λιθοπλίνθινος,¹⁰⁹ μυριόνικος, παράκοιτος, τολμηροκάρδιος, χωράρχης zu beobachten ist.¹¹⁰

¹⁰² Die entsprechende Passage ist Thurn 1973, p. 422–423.

¹⁰³ Zum reichhaltigen Vokabular des Manasses, in dem auch zahlreiche *hapax legomena* zu finden sind Lampsides 1980, p. 245–268; siehe auch Rhoby 2009, p. 326–329.

¹⁰⁴ Karpozilos 2009, p. 594.

¹⁰⁵ Zu den folgenden Wörtern Trapp 1994–2011. Für die Benützung des Wortmaterials aus dem noch nicht publizierten 8. Faszikels des Lexikons danke ich Erich Trapp.

¹⁰⁶ Zu ἀστρολόσχης Rhoby 2009, p. 328.

¹⁰⁷ Die Passagen, in denen dieses Adjektiv vorkommt, sind beinahe wortgleich: Das Vorbild Manasses (Lampsidis, I, p. 247–248, vv. 4539–4540: ἀλλὰ γὰρ καὶ Σταυράκιος τάμιον ἀποφθίνει / ἐν ταύτῃ δορατότρωτος ἀναφανείς τῇ μάχῃ) für Glykas (Bekker 1836, p. 531, ll. 14–16: ἀλλὰ καὶ Σταυράκιος ἐκ μέσου τάμιον γίνεται κατὰ ταύτην τὴν μάχης δορατότρωτος γεγενώς, κρατήσας μῆνας δύο) bei der Schilderung der durch einen Speer verursachten Verletzung des Kurzzeitkaisers Staurakios auf dem Schlachtfeld wird hier sehr deutlich.

¹⁰⁸ Bei der Schilderung der Belastung der Bevölkerung unter Kaiser Anastasios I. ist deutlich zu sehen, wie Glykas (Bekker 1836, p. 493, ll. 4–7: ἅπας ἀνὴρ καὶ γυνή, κόρη παῖς καὶ βρέφος, πτωχὸς ἐλεύθερος καὶ δοῦλος ὑπὲρ σκυβάλων κοπρηρῶν [ed. κοπρηνῶν], προσέτι δὲ καὶ οὐρων, ἀργυροῦν τῷ ταμίῳ προσέφερον νόμισμα) den Abschnitt in der Chronik des Manasses (Lampsidis 1996, I, p. 167, vv. 3039–3042: ἅπας ἀνὴρ τε καὶ γυνή, παῖς κόρη τε καὶ βρέφος, / προσαίτης, ἀπελεύθερος, οἰκέτης οὐκ οἰκέτης, / ὑπὲρ σκυβάλου κοπρηροῦ καὶ δυσοσμίας οὐρου / ἐν ἐξ ἀργύρου νόμισμα παρεῖχε τῷ ταμίῳ) fast wortwörtlich übernimmt.

¹⁰⁹ Glykas beschreibt an der entsprechenden Stelle (Bekker 1836, p. 546, l. 18 [bei Trapp 1994–2011, p. 937 *falso* 564,18]: ... κατέισε ὑπνώτει ἐν κλινῇ λιθοπλινθίνῃ) in beinahe identischen Worten die bei Manasses (Lampsides 1996, I, p. 279, v. 5147: ὑπώπτεν οὖν ἐπὶ τινοῦ λιθοπλινθίνης κλίνης) geschilderte und auf die *vita Basilii* (Ševčenko 2011, p. 34, l. 9) zurückgehende Schilderung, dass sich der junge Basileios, der spätere Kaiser Basileios I., nach seiner Ankunft in Konstantinopel vor dem Kloster des heiligen Diomedes auf einem Bett aus Stein und Ziegeln (nach der *vita Basilii* auf einer befestigten [Grund]mauer vor dem Tor) schlafen legte. Zu dieser Legende cf. Moravcsik 1961, p. 91.

¹¹⁰ Die Liste übereinstimmender Wörter und übernommener Passagen

Manasses selbst dürfte bei der Passage zum Exil des Monomachos – wie Lampsidis feststellte¹¹¹ – auf der einen Seite aus Michael Attaleiates – der als Grund der Verbannung den geplanten Machtumsturz anführt – und auf der anderen Seite aus Michael Psellos, Ioannes Zonaras¹¹² und vielleicht ebenso wie Glykas aus Ioannes Skylitzes – die allesamt die Affäre mit Zoe als Grund des Exils nennen – geschöpft haben. Dass er an die zweite Gruppe die Bemerkungen οἷς ἀψευδῆς ἡ γλῶσσα anfügte, könnte vielleicht mit der Befürchtung seiner Auftraggeberin gegenüber zu tun gehabt haben, dass sie die Erklärung mit der Affäre nicht als seriös genug empfinden würde.

Auch an anderen Stellen, die nur summarisch gestreift werden sollen, stellt Manasses seiner Adressatin Eirene zwei verschiedene Stränge der Überlieferung zur Verfügung:

Beim Bericht über den assyrischen Herrscher Sardanapal lässt Manasses den zweiten Teil mit den Worten ‘Andere aber schreiben über die Ereignisse um Sardanapal nicht so, sondern...’¹¹³ beginnen.

Beim Ursprung des Namens Italien führt Manasses ebenfalls zwei verschiedene Quellen an:¹¹⁴ Italien habe seinen Namen von dem über die westlichen Gebiete herrschenden Italos erhalten; andere aber meinen – und hier bietet Manasses eine Art Pseudoetymologie –, dass Italien den Namen durch die Geschichte eines dem Herakles entsprungenen Rindes bekommen habe, das auf das italische Festland geschwommen sei und von den Einheimischen, als Herakles danach suchte, οὔταλις (*vitalis*) genannt worden sei. Dieser Name habe sich dann auf das ganze Land übertragen, mit der Zeit sei daraus Ἰταλία geworden.

Für den Namen Italien mehrere Erklärungsmöglichkeiten zu bieten, ist aber nicht die Erfindung des Manasses. Bei Genesios¹¹⁵ werden sogar drei Möglichkeiten angeboten.¹¹⁶

ließe sich fortsetzen, sei aber späteren Studien (ergänzend zu Mauromate-Katsougiannopoulou 1984) vorbehalten.

¹¹¹ Lampsidis 1996, I, p. 331, v. 6144 app.

¹¹² Cf. Karpozilos 2009, p. 553.

¹¹³ Lampsidis 1996, I, p. 37, v. 624–625: Ἄλλοι δ’ οὐχ οὕτω γράφουσι τὰ τοῦ Σαρδαναπάλου· / λέγουσι δ’ ...

¹¹⁴ Lampsidis 1996, I, p. 81–82, v. 1478–1493.

¹¹⁵ Lesmueller-Werner & Thurn 1978, p. 82, ll. 48–55.

¹¹⁶ Cf. Rhoby 2003, p. 162–163.

Auch bei der bekannten Geschichte der Aufzucht von Romulus und Remus bietet Manasses die beiden ihm bekannten Erklärungen an: Nachdem er die bekannte Geschichte mit der Wölfin geschildert hat,¹¹⁷ leitet er die zweite Interpretation ein mit den Worten ‘Andere aber sagen, dass nicht eine Wölfin die Kinder aufgezogen habe’.¹¹⁸ Es ist anzunehmen, dass Manasses die beiden Überlieferungsstränge bereits aus seiner Vorlage übernahm – obwohl ein unmittelbares Vorbild nicht eruiert werden konnte – und nicht die beiden verschiedenen Quellen vor sich liegen hatte.

In den meisten Fällen kommentiert Manasses seine Vorlagen bzw. Quellen kaum, übt in diesem Sinn also kaum ‘Quellenkritik’. Ein gewisser Kommentar ist ihm immerhin bei der Schilderung des gewaltsamen Machtübergangs von Michael III. zu Basileios I. zu entlocken. Manasses folgt hier einer Gruppe von Quellen, die Basileios klar als Mörder bezeichnen, was bekannterweise in den von Konstantinos VII. Porphyrogennetos in Auftrag gegebenen Quellen anders gesehen wird.¹¹⁹ Manasses erwähnt zwar deutlich und ohne Umschweife, dass Basileios das Schwert in Michaels Körper rammte,¹²⁰ betrachtet die Tat aber offensichtlich als durchaus legitime Aktion, wenn man jene Verse beachtet, die er der Beschreibung des Usurpators widmet, die vor allem dessen körperliche Konstitution rühmt:

Basileios war aber gut, von edler Abkunft, mit riesengroßen
[Händen,
mit geschickter Hand, ein Held mit breiter Brust, mit starken
[Armen.¹²¹

Aber will er bei der Schilderung zur Person des Basileios sein Unbehagen vielleicht dadurch zum Ausdruck bringen, dass er die entsprechende Passage mit den Worten¹²² ‘Es ist aber wert, über

¹¹⁷ Lampsidis 1996, I, p. 86–87, vv. 1587–1598.

¹¹⁸ Lampsidis 1996, I, p. 87, v. 1599: ἄλλοι δ’ οὐ λύκαινάν φασιν ἐκθρέψαι τὰ παῖδια.

¹¹⁹ Cf. Moravcsik 1961, p. 104–105.

¹²⁰ Lampsidis 1996, I, p. 280, v. 5172: κατὰ τῶν σπλάγχων τῶν αὐτοῦ διήλασε τὸ ξίφος.

¹²¹ Lampsidis 1996, I, p. 280, vv. 5162–5163: ἦν δ’ ὁ Βασίλειος καλός, γενναῖος, γιγαντόχειρ, / εὐπάλαιμος, εὐρύστερνος ἥρωες, στεροβοραχίων.

¹²² Lampsidis 1996, I, p. 277, vv. 5111–5112: Ἀλλὰ γὰρ ἄξιον εἰπεῖν τὰ περὶ Βασιλείου, / ὅθεν καὶ τίνων ἔβλαστε, τίνες αὐτῷ γενάρχα.

die Ereignisse um Basileios zu erzählen, / woher und von wem er stammte, wer seine Vorfahren waren' einleitet?

Mit der Bemerkung, dass etwas 'wert sei', erwähnt zu werden – womit er aber vielleicht gerade zum Ausdruck bringen will, dass er dies eigentlich nicht ganz so sieht –, lässt Manasses auch andere Abschnitte in seiner Chronik beginnen.¹²³

Bei der Schilderung des Werdegangs und Schicksals des Photios stellt Manasses allerdings nicht zwei Quellen nebeneinander, sondern charakterisiert den Patriarchen – eher unbewusst als bewusst – auf unterschiedliche Weise: Als er von seiner ersten Absetzung im Jahr 867 erzählt, hält er fest:¹²⁴ 'Der üble Photios wurde vom Thron entfernt'.

Als Manasses vom Ende des Ignatios und der Wiedereinsetzung des Photios berichtet, beschreibt er ihn zwar weiterhin in gewisser negativer Konnotation, nämlich insofern, als er behauptet, dass dieser nach dem Thron dürstete, sich eilte, die Kirche wieder zu erlangen, und sich beim Kaiser mit seiner Prophezeiung der Anfangsbuchstaben als weise erscheinen lassen wollte.¹²⁵ Manasses nennt ihn aber auch βαθυγνώμων,¹²⁶ das vielleicht als positive Beschreibung zu werten ist.¹²⁷

3. Abschließende Bemerkungen

Diese wenigen Bemerkungen machen deutlich, dass Manasses aus vielen verschiedenen Quellen schöpft: In erster Linie sind dies die byzantinischen Chroniken. Manasses übernimmt Informationen aus zweiter Hand, auch wenn er mitunter den Eindruck erwecken will, dass er selbst in die Vorlagen, etwa in die Bibel oder antike Autoren, geblickt hat. Manasses ist aber auch darin

¹²³ Lampsidis 1996, I, p. 49, v. 855; p. 181, v. 3309; p. 241, v. 4420.

¹²⁴ Lampsidis 1996, I, p. 275, v. 5082: ὁ δὲ κακοῦργος Φώτιος ἐβάλλεται τοῦ θρόνου.

¹²⁵ Lampsidis 1996, I, p. 283, vv. 5230–5240.

¹²⁶ Lampsidis 1996, I, p. 283, v. 5232: ὁ βαθυγνώμων Φώτιος, αἰὲ διψῶν τοῦ θρόνου.

¹²⁷ Als positive Eigenschaft interpretiert das Wort auch Lampsides 2003, p. 465, der es mit (neugriechisch) βαθυστοχαστος übersetzt. Auch bei Liddell & Scott & Stuart Jones & R. McKenzie ([?]1925–1940) ist βαθυγνώμων einzig in positiver Bedeutung, nämlich 'of profound wisdom' angeführt. Ganz auszuschließen ist eine negative Konnotation aber auch bei diesem Wort nicht, cf. βαθυγνώμος in der Bedeutung 'der Hintergedanken hat' bei Trapp 1994–2011.

deutlich elegant, da er nicht nur ein Künstler hinsichtlich der literarischen Gestaltung der Chronik ist, sondern auch auf raffinierte Weise versteht, Kunstgriffe dieser Art so in die Chronik einzubauen, dass sich seine Adressatin, die Sebastokratorissa Eirene, daran bestimmt nicht stoßen konnte. Manasses ist aber nicht nur ein bloßer Kompilierer, der Versatzstücke früherer Chroniken zum Besten gibt, sondern seine Kunst ist es auch, vorhandene, oftmals sonst lapidar formulierte Geschichten auszuschnücken und so mit seiner persönlichen Note zu versehen. So präsentiert er etwa die Schöpfungsgeschichte auf plastische Weise weit über die Vorlage in der Genesis hinaus. Um die Erzählung für seine Adressatin lebendig und unterhaltsam zu gestalten, bedient sich Manasses auch reichlich des Stilmittels der direkten Rede. Sehr oft entspinnt sich ein richtiger Dialog zwischen zwei Protagonisten, etwa zwischen Augustus und Athenodoros,¹²⁸ zwischen einem gewissen, als Heide angeklagten Isokasios und dem Eparchen zur Zeit Leons I.¹²⁹ und zwischen Kaiser Justin II. und dem Eparchen.¹³⁰ Durch diese eingeschobenen, von Manasses entworfenen Dialoge erfährt die Chronik ein durchaus dramatisches Element, wodurch sie besonders auch für den mündlichen Vortrag prädestiniert gewesen sein muss.

Bibliographie

- P.A. Agapitos (1998), 'Mischung der Gattungen und Überschreitung der Gesetze: Die Grabrede des Eusthathios von Thessalonike auf Nikolaos Hagiotheodorites', in *Jahrbuch der Österreichischen Byzantinistik*, 48, p. 119-146.
- N.A. Bees (1928-1929), 'Manassis, der Metropolit von Naupaktos, ist identisch mit dem Schriftsteller Konstantinos Manassis', in *Byzantinisch-Neugriechische Jahrbücher*, 7, p. 119-130.
- I. Bekker (1836), *Michaelis Glycae annales*, Bonn: Weber (Corpus Scriptorum Historiae Byzantinae).
- I. Bekker (1838), *Georgius Cedrenus Ioannis Scylitzae ope*, 2 Bde., Bonn: Weber (Corpus Scriptorum Historiae Byzantinae).

¹²⁸ Lampsidis 1996, I, p. 101, vv. 1902-1907.

¹²⁹ Lampsidis 1996, I, p. 155-156, vv. 2829-2839.

¹³⁰ Lampsidis 1996, I, p. 182-183, vv. 3330-3345.

- J. Bidez – G.C. Hansen (²1995), *Sozomenus. Kirchengeschichte*, Berlin: Akademie Verlag.
- D. Boedeker (2002), 'Epic Heritage and Mythological Patterns in Herodotus', in E.J. Bakker et al. (edd.), *Brill's Companion to Herodotus*, Leiden: Brill, p. 97-109.
- C. de Boor (1904), *Georgii Monachi chronicon*, 2 Bde, Leipzig: Teubner (Reprint Stuttgart: Teubner 1978).
- E.C. Bourbouhakis & I. Nilsson (2010), 'Byzantine Narrative: the Form of Storytelling in Byzantium', in L. James (ed.), *A Companion to Byzantium*, Malden – Oxford: Wiley-Blackwell, p. 263-274.
- C. Cupane (2008), 'Die Homer-Rezeption in Byzanz', in J. Latacz et al. (edd.), *Homer. Der Mythos von Troia in Dichtung und Kunst*, München: Hirmer, p. 251-258.
- L. Dindorf (1832), *Chronicon Paschale*, 2 Bde., Bonn: Weber (Corpus Scriptorum Historiae Byzantinae).
- G.C. Hansen (1995), *Sokrates. Kirchengeschichte*, Berlin: Akademie Verlag.
- M. Hinterberger (2011), 'Phthonos als treibende Kraft in Prodromos, Manasses und Bryennios', in *Medioevo Greco*, 11, p. 83-106.
- F. Hirsch (1876), *Byzantinische Studien*, Leipzig: Hirzel, p. 403-412.
- W. Hörandner (2007), 'Zur Topik byzantinischer Widmungs- und Einleitungsgedichte', in V. Panagl (ed.), *Dulce Melos. La poesia tardoantica e medievale. Atti del III Convegno internazionale di studi. Vienna, 15-18 novembre 2004*, Alessandria: Edizioni dell'Orso (Centro internazionale di studi sulla poesia greca e latina in età tardoantica e medievale, Quaderni, 3), p. 319-335.
- W. Hörandner (2012), 'The Byzantine Didactic Poem – A Neglected Literary Genre? A Survey with Special Reference to the Eleventh Century', in F. Bernard & K. Demoen (edd.), *Poetry and its Contexts in Eleventh-century Byzantium*, Farnham – Burlington: Ashgate, p. 55-67.
- W. Hörandner – A. Paul (2011), 'Zu Ps.-Psellos, Gedichte 67 (*Ad monachum superbum*) und 68 (*Ad eundem*)', in *Medioevo Greco*, 11, p. 107-137.
- H. Hunger (1978), *Die hochsprachliche profane Literatur der Byzantiner*, 2 Bde., München: C.H. Beck'sche Verlagsbuchhandlung (Handbuch der Altertumswissenschaft, XII.5.1-2).
- E.M. Jeffreys (1979), 'The Attitudes of Byzantine Chroniclers towards Ancient History', in *Byzantion*, 49, p. 199-238.
- M. Jeffreys (1974), 'The Nature and Origins of the Political Verse', in *Dumbarton Oaks Papers*, 28, p. 141-195.

- M. & E. Jeffreys (1994), 'Who was Eirene the Sevastokratorissa', in *Byzantion*, 64, p. 40-68.
- A. Karpozilos (2009), *Βυζαντινοὶ ἱστορικοὶ καὶ χρονογράφοι*, Τόμ. Γ (11ος-12ος αἰ), Athen: Ἐκδόσεις Κανάκη.
- A. Kazhdan (1991a), 'Glykas, Michael', in *Oxford Dictionary of Byzantium*, p. 855-856.
- A. Kazhdan (1991b), 'Manasses, Constantine', in *Oxford Dictionary of Byzantium*, p. 1280.
- A. Kazhdan & S. Franklin (1984), *Studies on Byzantine Literature of the Eleventh and Twelfth Centuries*, Cambridge: Cambridge University Press (Past and Present Publications).
- E.-S. Kiapidou (2009), 'Ο λογοτέχνης Κωνσταντῖνος Μανασσῆς συγγράφει Σύνοψη Χρονική. Οι πηγές του για την εξιστόρηση της πρωτοβυζαντινῆς περιόδου', in S. Kotzabassi & G. Mavromatis (edd.), *Realia Byzantina*, Berlin – New York: De Gruyter (Byzantinisches Archiv, 22), p. 57-66.
- J. Koder (1998), *Aigaion Pelagos (Die nördliche Ägäis)*, Wien: Verlag der Österreichischen Akademie der Wissenschaften (Tabula Imperii Byzantini, 10).
- J. Koder (2011), *Die Hymnen Symeons, des Neos Theologos. Überlegungen zur literarischen Einordnung und zu den Intentionen des Autors*, München: Deutsche Arbeitsgemeinschaft zur Förderung Byzantinischer Studien (*Deutsche Arbeitsgemeinschaft zur Förderung Byzantinischer Studien*, Sonderheft).
- J. Koder (2013), 'archaiotes, palaiotes, archaiologia. Zur Unterscheidung von alter und neuer Zeit aus byzantinischer Sicht', in G. Vespignani (ed.), *Polidoro. Studi offerti ad Antonio Carile*, Spoleto: Fondazione Centro Italiano di Studi sull'Alto Medioevo, p. 507-521.
- K. Krumbacher (1897), *Geschichte der byzantinischen Litteratur von Justinian bis zum Ende des Oströmischen Reiches (527-1453)*, München: Beck.
- O. Lampsides (1980), *Δημοσιεύματα περὶ τὴν Χρονικὴν Σύνοψιν Κωνσταντίνου τοῦ Μανασσῆ*, Athen: [Selbstverlag].
- O. Lampsides (2003), *Κωνσταντίνου Μανασσῆ. Εισαγωγή, αποδόση, σχόλια, ευρετήριο*, Athen: Kanakes (Κείμενα βυζαντινῆς ιστοριογραφίας, 11).
- O. Lampsidis (1996), *Constantini Manassis breviarium chronicum*, 2 Bde, Athen: Ἀκαδημία Ἀθηνῶν (Corpus Fontium Historiae Byzantinae, 36).
- A. Lesmueller-Werner & I. Thurn (1978), *Iosephi Genesisii regum libri quattuor*, Berlin – New York: De Gruyter (Corpus Fontium Historiae Byzantinae, XIV).

- H.G. Liddell & R. Scott & H. Stuart Jones & R. McKenzie (1925-1940), *A Greek-English Lexicon*, Oxford: Oxford University Press.
- S. Mauromate-Katsougiannopoulou (1984), 'Η χρονογραφία τοῦ Μιχαήλ Γλυκᾶ καὶ οἱ πηγές της (περίοδος 100 π.Χ.-1118 μ.Χ.). Διδακτορική διατριβή, Thessalonike: Ἀριστοτέλειο Πανεπιστήμιο Θεσσαλονίκης (Ἀριστοτέλειο Πανεπιστήμιο Θεσσαλονίκης, Ἐπιστημονικὴ Ἐπετηρίδα τῆς Φιλοσοφικῆς Σχολῆς, Παράρτημα, 49).
- G. Moravcsik (1961), 'Sagen und Legenden über Kaiser Basileios I.', in *Dumbarton Oaks Papers*, 15, p. 59-126.
- A.A. Mosshammer (1984), *Georgii Syncelli ecloga chronographica*, Leipzig: Teubner.
- M. Mullett (1992), 'The Madness of Genre', in *Dumbarton Oaks Papers*, 46, p. 233-243.
- M. Mullett (2006), 'Novelisation in Byzantium: Narrative After the Revival of Fiction', in J. Burke (ed.), *Byzantine Narrative*, Melbourne: Australian Association for Byzantine Studies (Byzantina Australiensia, 16), p. 1-28.
- I. Nilsson (2001), *Erotic Pathos, Rhetorical Pleasure. Narrative Technique and Mimesis in Eumathios Makrembolites' Hysmine & Hysminias*, Uppsala: Uppsala Univ. Library (Studia Byzantina Upsaliensia, 7).
- I. Nilsson (2003), 'Archaists and Innovators. Byzantine "classicism" and experimentation with genre in the twelfth century', in B. Agrell & I. Nilsson (edd.), *Genrer och genreproblem: teoretiska och historiska perspektiv / Genres and Their Problems: Theoretical and Historical Perspectives*, Gothenburg: Daidalos, p. 413-424.
- I. Nilsson (2004), 'From Homer to Hermoniakos: some Considerations of Troy Matter in Byzantine Literature', in *Troianalexandrina*, 4, p. 9-34.
- I. Nilsson (2005), 'Narrating images in Byzantine literature: the ekphrasis of Konstantinos Manasses', in *Jahrbuch der Österreichischen Byzantinistik*, 55, p. 121-146.
- I. Nilsson (2006), 'Discovering Literariness in the Past: Literature vs. History in the *Synopsis Chronike* of Konstantinos Manasses', in P. Odorico & P.A. Agapitos & M. Hinterberger (edd.), *L'écriture de la mémoire. La littérature de l'historiographie*, Paris: Centre d'études byzantines, néo-helléniques et sud-est européennes, École des Hautes Études en Sciences Sociales (Dossier Byzantins, 6), p. 15-31.
- I. Nilsson & E. Nyström (2009), 'To compose, read, and use a Byzantine text: aspects of the chronicle of Constantine Manasses', in *Byzantine and Modern Greek Studies*, 33, p. 42-60.
- B. Rehm (1969) (ed.), *Die Pseudoklementinen*, Bd. I. Homilien. Zum Druck besorgt durch J. Irmscher. Zweite, verbesserte Auflage besorgt v. F.

- Paschke*, Berlin: Akademie-Verlag (Die griechischen christlichen Schriftsteller der ersten Jahrhunderte 42²).
- D.R. Reinsch (2002), 'Historia ancilla litterarum? Zum literarischen Geschmack in der Komnenenzeit: Das Beispiel der Σύνοψις Χρῶνικῆ des Konstantinos Manasses', in P. Odorico & P.A. Agapitos (edd.), *Pour une « nouvelle » histoire de la littérature byzantine. Problèmes, méthodes, approches, propositions. Actes du Colloque international philologique, Nicosie – Chypre 25-28 mai 2000*, Paris: Centre d'études byzantines, néo-helléniques et sud-est européennes, École des Hautes Études en Sciences Sociales (Dossier Byzantins, 1), p. 81–94.
- D.R. Reinsch (2007), 'Die Palamedes-Episode in der Synopsis Chronike des Konstantinos Manasses', in M. Hinterberger & E. Schiffer (edd.), *Byzantinische Sprachkunst. Studien zur byzantinischen Literatur gewidmet Wolfram Hörandner zum 65. Geburtstag*, Berlin – New York (Byzantinisches Archiv, 20), p. 266–276.
- A. Rhoby (2003), *Reminiszenzen an antike Stätten in der mittel- und spätbyzantinischen Literatur. Eine Untersuchung zur Antikenrezeption in Byzanz*, Göttingen: Peust & Gutschmidt Verlag (Göttinger Studien zur Byzantinischen und Neugriechischen Philologie, 1).
- A. Rhoby (2009), 'Verschiedene Bemerkungen zur Sebastokratorissa Eirene und zu Autoren in ihrem Umfeld', in Νέα Πώμη, 6, p. 305–336.
- A. Rhoby (2010), 'Ioannes Tzetzes als Auftragsdichter', in *Graeco-Latina Brunensia*, 15, p. 155–170.
- U. Roberto (2005), *Ioannis Antiocheni Fragmenta ex Historia chronica. Introduzione, edizione critica e traduzione*, Berlin – New York: De Gruyter (Texte und Untersuchungen zur Geschichte der altchristlichen Literatur, 154).
- W. Schmid (1902), *Verzeichnis der griechischen Handschriften der k. Universitätsbibliothek zu Tübingen*, Tübingen: G. Schnürlein.
- R. Scott (2006), 'Narrating Justinian: From Malalas to Manasses', in J. Burke et al. (edd.), *Byzantine Narrative. Papers in Honour of Roger Scott*, Melbourne: Australian Association for Byzantine Studies (Byzantina Australiensia, 16), p. 29–46.
- I. Ševčenko (2011), *Chronographiae quae Theophanis Continuati nomine fertur liber quo vita Basilii imperatoris amplectitur*, Berlin – Boston: De Gruyter (Corpus Fontium Historiae Byzantinae, XLII).
- C. Sode (2001), *Jerusalem – Konstantinopel – Rom. Die Viten des Michael Synkellos und der Brüder Theodoros und Theophanes*, Stuttgart: Steiner (Altertumswissenschaftliches Kolloquium, 4).
- P. Speck (1974), *Die Kaiserliche Universität von Konstantinopel. Präzisie-*

rungen zur Frage des höheren Schulwesens in Byzanz im 9. und 10. Jahrhundert, München: Beck (Byzantinisches Archiv, 14).

- I. Thurn (1973), *Ioannis Scylitzae synopsis historiarum editio princeps*, Berlin – New York: De Gruyter (Corpus Fontium Historiae Byzantinae, V).
- E. Trapp et al. (1994–2011) (ed.), *Lexikon zur byzantinischen Gräzität besonders des 9.-12. Jahrhunderts*, (bislang 7 Fasz.), Wien: Verlag der Österreichischen Akademie der Wissenschaften.

SECTION 5

LAW TEXTS
AND THEIR RECEPTION

FRANCISCO J. ANDRÉS SANTOS
Valladolid

EL VALOR DE LAS FUENTES JURÍDICAS BIZANTINAS PARA LA CRÍTICA TEXTUAL Y LA QUELLENFORSCHUNG DEL *CORPUS IURIS CIVILIS*: UNA VISIÓN PANORÁMICA*

Das byzantinische Recht ist von großer Bedeutung für die Kritik und Erklärung der Quellen des justinianeisch-römischen Rechts: aber bis auf die neuere Zeit von den Romanisten nur wenig beachtet worden.

1. Estas luminosas palabras de Karl Eduard Zachariä von Lingenthal¹, escritas en 1840², siguen siendo hoy de sorprendente actualidad. En efecto, aunque para pocos pueden caber dudas respecto a la necesidad de tener en cuenta las fuentes procedentes de la tradición jurídica bizantina para la cabal comprensión del Derecho justiniano³, e incluso del viejo Derecho romano ‘clásico’ (en la medida en que, como es bien sabido, el Derecho justiniano, al menos en cuanto al ámbito jurídico-privado se refiere, no supone una ruptura con el pasado jurídico de Roma, sino, en cierta forma, su maduración y preparación para su supervivencia secular)⁴, sin embargo, la mayoría de los romanistas siguen mostrándose

* El presente trabajo se enmarca dentro de las actividades de los Proyectos de Investigación FFI2009-07963, y FFI2012-37908-C02-01 financiados por el Ministerio de Ciencia e Innovación (España) y ha podido realizarse, en gran medida, gracias a una estancia de investigación en el Max-Planck-Institut für Europäische Rechtsgeschichte de Frankfurt am Main (Alemania) durante el otoño del año 2011, por lo que deseo manifestar aquí mi agradecimiento a dicha institución por la ayuda prestada.

¹ Sobre su figura, véase una panorámica en Andrés Santos 2004 (con más lit.).

² Zachariä von Lingenthal 1840, p.v.

³ Al respecto son muy ilustrativas estas palabras de uno de los más grandes romanistas del siglo XX, Max Kaser 1986, p. 284: ‘Das Nachleben des römischen Rechts über das Ende der Antike hinaus ist für den byzantinischen Osten so eng mit dem Corpus iuris und seinen weiteren Verarbeitungen verbunden, daß sich die byzantinische Rechtsgeschichte als eine bloße Fortsetzung der spätrömischen darstellt. Eine stärkere Anteilnahme an ihrer reizvollen Problematik wäre zu wünschen’. Ni que decir tiene que el deseo ahí expresado está aún pendiente de una convincente realización.

⁴ Wieacker 2006, p. 288.

ajenos a la lectura de tales fuentes en sus análisis de los textos jurídicos romanos, y aún más a la consideración de los desarrollos ulteriores de las doctrinas jurídicas y el juego de las instituciones en el Imperio bizantino postjustiniano. Las razones son muy variadas. Por un lado, ha primado, y sigue primando en muchos sentidos, la máxima acuñada por los glosadores romanistas boloñeses del Medievo, según la cual, en el estudio de los textos jurídicos, ‘*Graeca sunt: non leguntur*’: es decir, los pasajes escritos en griego de la gran Compilación de Justiniano no eran objeto de lectura crítica y no tenían valor de ley (y mucho menos, por tanto, los desarrollos ulteriores de tales textos en el ‘herético’ Bizancio de siglos posteriores a aquel campeón del catolicismo), una postura debida a causas de orden cultural, pero a la que tampoco eran extrañas otras de orden político e ideológico⁵. Esta actitud acompañó a los romanistas occidentales al menos hasta el siglo XIX – con la excepción de los humanistas (mayoritariamente franceses) del siglo XVI, que fueron los primeros en prestar cierta atención a los textos jurídicos bizantinos con una intención de recuperar el verdadero texto del *Corpus iuris civilis* justiniano y contribuir a la crítica de las versiones transmitidas escolarmente en la Edad Media⁶ –, de manera que la interpretación de los pasajes justinianos ha sido, en amplio sentido, autorreferencial, en la medida en que no se buscaba tanto una auténtica reconstrucción histórica, sino, sobre todo, la construcción sobre la base de los textos romanos de una doctrina jurídica en cierto modo ‘intemporal’ que sirviera como canon de medición del Derecho vigente en la respectiva época de los estudiosos. Pero además de esta tradición erudita ligada al ‘eurocentrismo’ de los juristas occidentales desde el Medievo, en la minusvaloración de esos textos jurídicos griegos elaborados en Bizancio también han intervenido otros factores, como es, en primer lugar, la difícil transmisión manuscrita de dichos textos bizantinos no solo en Occidente⁷, lo que hacía sumamente inseguro el manejo de estas fuentes (y aún lo sigue haciendo, dado que una parte importante de esas fuentes siguen sin estar convenientemente editadas)⁸; pero también el

⁵ Lange 1997, p. 64.

⁶ Troje 1971, p. 243-280.

⁷ Cf. Ferrari dalle Spade 1930, p. 141-148.

⁸ Debe tenerse en cuenta a este respecto el hecho significativo de que no ha

tradicional desprecio de los romanistas occidentales a los juristas del Imperio bizantino, considerados como representantes de una jurisprudencia de ínfima calidad⁹, y, por qué no, *last but not least*, la pura ignorancia y desconocimiento de la lengua griega (y no digamos de la lengua griega medieval y especializada en lo jurídico) de la mayor parte de los romanistas de todos los tiempos.

Tan solo los romanistas interesados en la crítica textual han constituido una excepción a esta dinámica histórica que comentamos. Siguiendo las huellas de los juristas humanistas del siglo XVI, algunos eruditos romanistas de finales del siglo XIX (entre los que se situaba, precisamente, el autor del que hacíamos mención al inicio de estas líneas) se dispusieron a prestar una mayor atención a esos textos olvidados de la tradición jurídica europea y a tenerlos en cuenta tanto para la reconstrucción lo más exacta y precisa posible del texto de la *Compilación justiniana* (y, eventualmente, de otras obras jurídicas de la Antigüedad romana) como para una mejor interpretación del contenido jurídico de esa obra tan relevante para la historia jurídica europea y mundial. Es, por tanto, en la línea del estudio histórico-crítico de las fuentes jurídicas romanas en la que la tradición jurídica bizantina comenzó a tener alguna relevancia práctica en el ámbito de los estudios romanísticos, lo que dio paso, a su vez, a la consideración de la historia jurídica bizantina como un objeto de investigación histórica en sí mismo¹⁰. Ello nos conduce necesariamente a analizar

existido una edición crítica de la fuente más importante del Derecho bizantino postjustiniano (los *Basilicos* del emperador León VI) hasta bien avanzado el siglo XX (cf. infra n. 20): cf. al respecto la contribución de Thomas van Bochove en este mismo volumen. El importante *Forschungsprojekt zur byzantinischen Rechtsgeschichte* del Max-Planck-Institut für Europäische Rechtsgeschichte de Fráncfort del Meno (Alemania) ha procedido a editar muchas de estas fuentes en su serie *Fontes minores*, iniciada en 1976.

⁹ Bonfante 1934, p. 69.

¹⁰ Todos los grandes estudiosos tempranos de las fuentes del Derecho bizantino, desde inicios del siglo XIX (F.A. Biener, G.E. Heimbach., C.W.E. Heimbach, K.E. Zachariä von Lingenthal, etc.) fueron a su vez relevantes romanistas (significativamente, en esa época, y hasta tiempos no muy lejanos, se denominó su disciplina *Ius Graeco-Romanum*): el estudio de las fuentes bizantinas obedecía a la necesidad de alcanzar un entendimiento más profundo del Derecho romano consolidado en la *Compilación justiniana* (que, a su vez, constituía la base de la ciencia jurídica estudiada por estos autores en las Universidades alemanas con fines primordialmente prácticos, dado que hasta el año 1900 el Derecho romano-justiniano seguía siendo Derecho vigente en el Imperio alemán), no en realizar una contribución al mejor conocimiento de lo que fue la civiliza-

una cuestión previa: ¿qué se entiende cuando hablamos de *crítica textual* en el marco de las investigaciones histórico-jurídicas, y particularmente en el de los estudios del Derecho romano histórico? ¿Presenta la expresión idéntico significado en este contexto que en el de los estudios literarios, históricos o culturales en general? ¿Qué relación existe entre crítica textual y *Quellenforschung* en este ámbito específico? Son todos estos elementos que deben quedar bien fijados antes de analizar explícitamente cuál es el valor que puede atribuirse a los textos jurídicos bizantinos en este sentido, que no es propiamente el de la reconstrucción de la historia jurídica del Imperio Bizantino como tal, sino el de la fijación del texto y el significado literal y jurídico de una obra concreta y determinada, aunque de contornos borrosos, como es el del tradicionalmente llamado *Corpus iuris civilis* de Justiniano I¹¹.

2. En el marco de los estudios histórico-jurídicos (al igual que en el resto de los estudios de carácter histórico) se habla de crítica textual de nivel *inferior* y *superior*. La crítica de nivel *inferior* hace referencia a fijar la forma originaria de un testimonio de las fuentes (constitución del texto o *recensio*); la de nivel *superior* examina

ción bizantina, que no era para ellos objeto de central de su interés. El primer manual de historia del Derecho bizantino propiamente dicho es la *Geschichte des griechisch-römischen Rechts* de K.E. Zachariä von Lingenthal (1892), publicado por primera vez en 1864, concebido aún con categorías claramente ‘pandectistas’, esto es, fundadas en la tradición científica alemana de aplicación directa de las fuentes romanas en la práctica jurídica de su tiempo. Hay que esperar al siglo XX para encontrar textos de síntesis histórico-jurídica de carácter plenamente bizantino, en el que las fuentes jurídicas ya no se consideran primeramente en función de su utilidad para la comprensión del Derecho justiniano, sino que se presentan como parte de la experiencia política, social y cultural del Imperio Bizantino, y donde las fuentes del Derecho canónico (de importancia trascendental para entender cabalmente la experiencia jurídica bizantina) vienen integradas al mismo nivel que las del Derecho secular: en este sentido, cf. Pieler 1978, Van der Wal & Lokin 1985 y, sobre todo, últimamente, Troianos 2011. Significativamente, todavía a mediados del siglo XX, una extraordinaria síntesis de la historia jurídica bizantina (Wenger 1953, p. 679-726) sigue apareciendo como mero apéndice de una obra intitulada *Die Quellen des römischen Rechts*.

¹¹ Como es bien sabido, Justiniano mismo no dio nombre a su codificación o compilación, sino que la consideró integrada por tres obras monográficas diferenciadas: las *Institutiones* o *Elementa*, los *Digesta* o *Pandectae* y el *Codex* o *Constitutiones*. A ellas se irían añadiendo sucesivas leyes reformadoras (*Novellae*) que modificaron algunos extremos importantes de las tres obras anteriores. Sobre la composición de la Compilación de Justiniano, v. Wieacker 2006, p. 287-324; recientemente, Lokin & Van Bochove 2011, p. 99-118.

la credibilidad de su contenido (la información), del origen del autor a quien se atribuye el texto de la misma fuente, o de otra, así como las alteraciones del texto (interpolaciones) realizadas por alguien que no sea su autor. La *constitución* del texto precede, lógicamente, a la crítica de orden superior¹².

Por lo que se refiere al *Corpus iuris civilis*, este ha sido objeto de estudios crítico-textuales desde el descubrimiento por los humanistas de la densidad histórica de la obra compilatoria y la localización de numerosos testimonios textuales más allá de los manejados por los juristas medievales. Estos autores incidieron tanto en una como en otra modalidad de crítica textual¹³, alcanzando resultados muy significativos. Sin embargo, no fue sino hacia la mitad del siglo XIX cuando estos estudios se intensificaron, sobre todo en el seno de la *Historische Rechtsschule* alemana, dando lugar, por un lado, a la monumental *editio maior* del *Digesto* de Theodor Mommsen (1868-1872) y a la *editio stereotypa* del *Corpus iuris civilis* (1872-1895) a cargo de Mommsen (*Digesta*), Kruger (*Codex Iustinianus* e *Institutiones*) y Schöll y Kroll (*Novellae*); y, por el otro, al inicio de la investigación moderna sobre las interpolaciones justinianas en los textos más antiguos integrados en la Compilación (Alibrandi, Gradenwitz, Eisele, Lenel, etc.)¹⁴, cuyo resultado más característico es el *Index Interpolationum* de Levy y Rabel (1929-1935).

3. Una vez precisado qué es lo que se quiere decir cuando hablamos de *crítica textual* en el contexto de las investigaciones histórico-jurídicas (y, en particular, de la disciplina del Derecho romano), queda aún otra cuestión previa por desentrañar. Hemos mencionado desde el primer momento las *fuentes jurídicas bizantinas* como elemento a tener en cuenta a la hora de efectuar una crítica (filológica, pero también de contenido jurídico, según hemos visto) de un texto tan particular y definido como es el *Corpus iuris civilis* de Justiniano. Ahora bien, en ese apartado, ¿se incluyen *todas* las fuentes *jurídicas* producidas durante el período en que subsistió el Imperio bizantino, o solo una selección de ellas? Y, en este segundo caso, ¿cuál es el criterio de selección? ¿A

¹² Wieacker 1988, p. 112-113 (con amplia bibl.).

¹³ Cf. Palazzini Finetti 1952; Troje 1971, p. 104-150.

¹⁴ Véanse referencias en Andrés Santos 2011, p. 77-79.

qué debemos llamar *Imperio bizantino* a este respecto? ¿Son todas las fuentes seleccionadas de idéntica relevancia, o puede establecerse algún tipo de jerarquía entre ellas? ¿Existen diferentes *niveles* dentro de la categoría general de lo que hemos dado en llamar convencionalmente *fuentes* (del Derecho), como hemos visto que se establece al respecto de la crítica textual? ¿Nos movemos solo en el campo de las llamadas fuentes (jurídicas) *de producción* o también en el de las *de conocimiento*?¹⁵ Estas son algunas de las cuestiones que surgen inmediatamente al hacer una lectura rápida y superficial del enunciado que proponíamos al inicio de este escrito. La propia ambigüedad de la expresión nos obliga, pues, a detenernos también, aunque sea brevemente, a precisar de qué clase de *fuentes jurídicas bizantinas* estamos tratando¹⁶.

En primer término, hay que señalar algunos elementos de acotación del concepto que aquí manejamos. En primer lugar, convencionalmente, en los estudios histórico-jurídicos suele considerarse la obra legislativa de Justiniano como el último eslabón de la larga cadena del Derecho romano histórico¹⁷: si bien en otros aspectos Justiniano se presenta como un soberano plenamente bizantino y su reinado como una primera *edad de oro* de la historia bizantina, a los efectos de la historia jurídica se lo cataloga como *el último romano*. Y ello es así porque la Compilación justinianeas, en su conjunto, se entiende como el punto final de una larga historia de producción del Derecho conforme a unos determinados cánones y de acuerdo con una serie de principios constructivos, y a partir de ahí se inicia una nueva concepción del Derecho que, con el tiempo, será dominante en el mundo occidental: la idea de una producción altamente técnica del Derecho, pero monopolizada por una única fuente de autoridad, la estatal (en Bizancio, personificada en la figura del *basileus*). La obra de Justiniano trata de reunir, ordenar y condensar lo más relevante de la creación del Derecho anterior a su época (las *leges* y los *iura*) que aún se entendía como válido y vigente en su época, junto con una serie de disposiciones para la puesta a punto y la adapta-

¹⁵ Sobre estos conceptos, véase Castro y Bravo 1984, p. 327-333.

¹⁶ Sobre el concepto y contenido de las *fuentes del Derecho bizantino*, en general, véase ahora, exhaustivamente, Troianos 2011. Una buena síntesis, aunque algo desactualizada, puede encontrarse en Wieacker 2006, p. 324-336.

¹⁷ Por todos, Kaser 1986, p. 241.

ción de ese bagaje jurídico-cultural a las circunstancias de su presente y para el futuro. De ahí que pueda decirse que la historia del *Derecho bizantino* (propiamente dicho) comienza ahí, del mismo modo que ahí se culmina y se pone fin a la experiencia plurisecular del Derecho romano antiguo. Por lo tanto, cuando hablamos de fuentes jurídicas bizantinas nos referimos, prevalentemente, a los documentos normativos de la época *posterior* a Justiniano.

Por otra parte, en el caso que nos ocupa, ello no podría ser de otro modo, puesto que difícilmente podrían utilizarse fuentes jurídicas *anteriores* a Justiniano como canon de examen crítico-textual de la Compilación justiniana (sin perjuicio de que haya algunos materiales que sí podrían ser anteriores a Justiniano y que deben tenerse en cuenta rigurosamente a estos efectos, como veremos un poco más adelante).

Por otro lado, en segundo lugar, también quedan fuera de nuestra consideración, en principio, las fuentes jurídico-cánonicas. Naturalmente que Justiniano fue también un activo legislador de la Iglesia y que las cuestiones de índole canónica y de organización eclesiástica ocuparon un importante lugar en su actividad como estadista y como hombre. Sin embargo, en lo que aquí nos atañe, que es examinar la posibilidad de hacer crítica textual del *Corpus iuris civilis*, esa actividad legislativa en el ámbito eclesiástico tiene un relieve menor y, por otra parte, las normas de Derecho eclesiástico o canónico de épocas posteriores a Justiniano (con excepción, quizá, de los *Nomocanones*)¹⁸ guardan poca relación con los problemas textuales que presentan los libros del *Corpus iuris civilis*, y particularmente el *Digesto*, que ha sido siempre el principal objeto de atención de los estudiosos de la *Textkritik* en este contexto. Con todo, ello no implica que no puedan obtenerse ocasionalmente informaciones útiles a este respecto a partir de fuentes de naturaleza canónica, pero se trata, en todo caso, de noticias marginales¹⁹.

Por fin, en tercer lugar, hay que precisar que aquí la expresión *fuerza jurídica* hace referencia a los documentos con valor normativo (por tanto, no a los meros registros de actos de la práctica

¹⁸ Cf. al respecto Van der Wal & Lokin 1985, p. 66-68, 108-112.

¹⁹ V. gr. los comentarios a los cánones de Teodoro Balsamón (ca. 1180) o el *Syntagma alphabeticum* (Σύνταγμα κατὰ στοιχείον) de Mateo Blastares (ca. 1335).

de carácter administrativo, judicial o negocial), es decir, lo que técnicamente se denomina *fuentes de producción* que, en la historia jurídica, no pueden dejar de ser también vehículos de conocimiento histórico de la experiencia jurídica del Imperio bizantino. Quedan excluidas, por tanto, otras fuentes *de conocimiento*, como pueden ser los textos literarios o los documentos artísticos o arqueológicos.

No obstante, debe aclararse a este respecto que en la concepción que aquí manejamos de fuente de índole *normativa* no nos estamos refiriendo exclusivamente a aquellos textos que disponen de un valor autoritativo, en el sentido de poseer un carácter vinculante e imperativo – como son los textos legislativos, las disposiciones de órganos administrativos o las sentencias de los tribunales –, esto es, textos que representan por sí mismos *normas* conforme al sistema de fuentes del Derecho de cada momento, sino también a aquellos textos que, sin poseer por sí mismos ese valor coercitivo, sí tratan de representar, de algún modo, el Derecho vigente o se proponen exponerlo de manera más clara e inteligible: nos estamos refiriendo a los textos jurídicos *doctrinales*, es decir, a textos de la literatura jurídica bizantina elaborados por sus autores, no en virtud de su autoridad legal (*potestas*), sino de su saber prudencial y su experiencia práctica, que les dota de prestigio social (*auctoritas*). Esos textos nunca constituyeron formalmente una fuente del Derecho en el mundo bizantino (a diferencia de lo que sucedía en el Derecho romano de la época clásica), pero sí acabaron adoptando –al menos algunos de ellos, como veremos– un valor cuasinormativo, y además, en todo caso, conforman una representación técnica del Derecho vigente en cada momento histórico que permite incluirlos perfectamente en el ámbito de las *fuentes jurídicas* a los efectos de esta exposición.

Una vez precisados estos dos límites externos (en cuanto a la *extensión* del concepto manejado) y el otro límite interno (de carácter, pues, *intensional*), nos encontramos, por tanto, con que por *fuentes jurídicas bizantinas* nos referimos aquí a las fuentes normativas, principalmente de Derecho secular, producidas en Bizancio a partir del reinado de Justiniano hasta la extinción del Imperio.

Con arreglo a esta concepción, podemos establecer, pues, a los efectos que aquí nos interesan, una clasificación de hasta cuatro categorías de fuentes, que se distinguen en función de su mayor

o menor cercanía al texto del *Corpus iuris* justiniano y su mayor o menor capacidad para aportar elementos de crítica en uno u otro sentido a este:

3.1. Compilaciones de textos, con valor legislativo o cuasilegislativo, procedentes directamente del *Corpus iuris* justiniano, con diversos grados de variaciones, y textos derivados de estos.

3.2. Textos legales no directamente vinculados al *Corpus iuris civilis*.

3.3. Obras doctrinales de juristas bizantinos de la época justiniana, o inmediatamente posterior a esta, referidas al *Corpus iuris civilis*.

3.4. Comentarios jurisprudenciales a obras jurídicas bizantinas postjustinianas.

3.1.1. Dentro de las compilaciones de textos procedentes del *Corpus iuris civilis*, se encuentran en primer lugar, naturalmente, los *Basílicos* (τὰ Βασιλικά νόμματα = ‘las leyes imperiales’), esto es, la compilación oficial del ordenamiento jurídico bizantino vigente promulgada durante el reinado del emperador León VI (886-912)²⁰. Como es sabido, esta magna obra consistió en una reelaboración del *Corpus iuris civilis*, pero en lengua griega, conformando una obra unitaria compuesta por 60 libros (νομοθεσία πᾶσα ἐν βιβλίοις ἐξήκοντα), subdivididos en títulos (τίτλους)²¹, y

²⁰ Ed. estándar Scheltema, Van der Wal & Holwerda 1955-1988. Sobre esta obra, la bibliografía es muy extensa: v., con carácter general, Wenger 1953, p. 702-705; Pieler 1978, p. 455-457; Van der Wal & Lokin 1985, p. 81-86; Gómez Royo 1996, p. 187-196; Wieacker 2006, p. 332-334; Troianos 2011, p. 252-263; Lokin & Van Bochove 2011, p. 135-146; más específicamente, Schminck 1986, p. 17-54; Lokin 1989; Gómez Royo 1989, así como el artículo de Van Bochove en este mismo volumen.

²¹ La estructura de la obra en una sucesión de títulos parece que pudo haberse anticipado a la confección del texto mismo: ya en época de Basilio I se habría elaborado un *Index titulorum* en el que se plasmaría la sucesión de materias que debían ser objeto de ordenación conforme al plan establecido de ‘purificación’ del Derecho justiniano. Tal vez el objeto inicial de la obra estaría agotado en ese *Index titulorum*, que se limitaría a dar a los lectores y operadores jurídicos de la época indicación de una secuencia de pasajes de los *libri legales* justinianos correspondientes a cada materia para facilitar su localización, pero sin introducir los textos mismos en el esquema en cuestión (eso parece desprenderse de lo que se dice en el proemio del *Procheiron*, ed. Schminck 1986, p. 58, ll. 77-83, pero cf. proemio de la *Eisagoge*, ed. Schminck 1986, p. 6, ll. 31-33). La redacción final de la obra habría sido, pues, producto de una decisión personal de León VI, a fin de

estos a su vez en capítulos (κεφάλαια) y, eventualmente, párrafos (θέματα), que recoge el conjunto de normas de la Compilación justiniana consideradas aún vigentes, pero con un orden y una presentación externa muy diferentes de los del original. En efecto, esta obra es el resultado más relevante del programa de ἀνακάθαρσις τῶν παλαιῶν νόμων²², es decir, la ‘depuración de las viejas leyes’, iniciado por Basilio I Macedonio (867-886), cuya finalidad no era otra que la recuperación del viejo Derecho justiniano, pero no en su forma original exacta, sino adaptado a las nuevas circunstancias, eliminando normas obsoletas, refundiendo las vigentes en un solo cuerpo y, sobre todo, presentando todo ello en una lengua comprensible para los habitantes y los operadores jurídicos del Imperio a finales del IX. El resultado es esta obra, que presenta un aspecto externo y un carácter mucho más sistemático que el original, ya que en ella el material jurídico aparece ordenado de modo homogéneo, siguiendo en general el orden externo del *Codex Iustinianus*: la técnica empleada por los compiladores consistió, normalmente, en la colocación en serie de los títulos del *Digesto* que trataban una misma institución, a continuación los del *Código* y, finalmente, una o varias *Novelas* (o partes de estas) que eventualmente pudieran incidir en el instituto en cuestión. Como consecuencia, se consiguió una obra más técnica y manejable que el *Corpus iuris* justiniano, lo que facilitó mucho su empleo y aplicación por los operadores jurídicos bizantinos a partir de esa época, en la medida en que esta nueva compilación, con todo, no dejaba sin efecto la anterior, que seguía estando formalmente en vigor²³.

En principio, esta es la fuente jurídica bizantina más importante y útil para la crítica textual del *Corpus iuris civilis*, en la medida en que se trata de una reproducción en griego de la mayor parte del contenido original de este, y además dotada de valor oficial, por lo que constituye una vía privilegiada para cubrir la-

facilitar la manejabilidad de los textos legales (o tal vez movido por un puro afán emulador de Justiniano, cf. Bartol 2007). Sobre el tema, véase Signes Codoñer & Andrés Santos 2007, p. 231-267; últimamente, Lokin & Van Bochove 2011, p. 137-140 (con más indicaciones).

²² Pieler 1989.

²³ Esto es motivo de controversia entre los estudiosos: cf. Pieler 1978, p. 457 (con indicación de lit. en ambos sentidos).

gunas y solucionar problemas de índole textual y material que pudieran surgir en la interpretación de los textos justinianos²⁴. Con todo, ello no quiere decir que sus lecturas hagan fe siempre y en cualquier circunstancia frente a lecturas e interpretaciones alternativas de los pasajes compilatorios. Ello se debe a una pluralidad de factores:

a) En primer término, debe tenerse en cuenta que el texto de los *Basílicos* no procede de una traducción directa e intencional de los textos latinos del *Corpus* justiniano por cuenta de los compiladores bizantinos, sino que estos emplearon en su mayor parte las versiones griegas ya existentes con anterioridad al ‘renacimiento jurídico macedonio’, con mínimas adaptaciones por su parte. Concretamente, los compiladores se sirvieron de las obras de los profesores de Derecho (*antecessores*)²⁵ de la época justiniana e inmediatamente posterior a esta (*σχολαστικοί*), de los que hablaremos inmediatamente a continuación (en § 3.3). No obstante, estos textos profesoriales no siempre eran traducciones literales y ‘profesionales’ de los textos del *Corpus iuris*, sino que a menudo eran meros resúmenes o compendios de normas (*summae*, *ἑνδικεῖς*, *παραγραφαί*) con una finalidad exclusivamente didáctica o con vistas a la práctica forense o administrativa. En particular, para el *Digesto* los compiladores se sirvieron principalmente de la *summa* de un jurista de identidad incógnita de finales del s.VI conocido por tradición como *el Anónimo* (ὁ Ἀνώνυμος)²⁶; para los libros 1 a 7 y 9 a 12 del *Codex Iustinianus*, del texto del *ἑνδεῖς* de Taleleo²⁷ (conocido también como *τὸ πλάτος τοῦ Κώδικος* por su exhaustividad), que responde a una traducción más literal (*κατὰ πόδας*) de la obra justiniana, así como de algunos fragmentos provenientes de otras traducciones de autoría desconocida²⁸, y para el libro

²⁴ De hecho, el modelo sobre el que se habrían construido en parte los *Basílicos* constituye uno de los pocos testimonios válidos disponibles para la comparación con el manuscrito Florentino del *Digesto* que no proporciona una información autorreferencial: cf. Wieacker 1988, p. 123, y 2006, p. 123.

²⁵ El término *antecessor* (también *ἀντικείμενος*) se aplica a los profesores de Derecho que enseñaron entre 553 y 560: v. Scheltema 1970, p. 3.

²⁶ Cf. al respecto, Lokin & Van Bochove 2011, p. 128-129.

²⁷ Cf. infra en el texto y n. 93

²⁸ Debe tenerse en cuenta que el *κατὰ πόδας* de Taleleo y los restantes fueron escritos probablemente para la primera edición del *Codex Iustinianus*, y solo posteriormente modificados para adaptarse al *Codex repetitae praelectionis* del 534,

8, del que no debía de subsistir ya en época de la compilación el texto de Taleleo, se empleó la *summa* del *antecessor* Anatolio²⁹; por fin, en cuanto a las *Novelas*, aquellas que estaban originariamente compuestas en lengua griega se incorporaron a la compilación casi siempre en su forma original oficial, mientras que para las latinas los compiladores se valieron de los resúmenes contenidos en el *Syntagma Novellarum* del σχολαστικός Teodoro de Hermópolis (Θεόδωρος ὁ Ἑρμοπολίτης o, simplemente, Ἑρμοπολίτης) y en la versión comentada de las *Novelas* del σχολαστικός Atanasio de Émesa (Ἀθανάσιος Ἑμισσηνός), ambos del último cuarto del s. VI³⁰. Las *Institutiones* apenas fueron utilizadas, pero, en la medida en que lo fueran, se hizo a través de la *Paraphrasis* del *antecessor* Teófilo³¹. En todos estos textos, los pasajes originales del *Corpus iuris* justiniano pueden resultar desfigurados, puesto que hacer resúmenes o síntesis de contenidos es una actividad que necesariamente comporta cierta dosis de subjetividad en cuanto a la selección de los textos y a la incorporación, más o menos consciente, de interpretaciones particulares de quienes realizan la operación. Ni siquiera el *κατὰ πόδας* está libre del riesgo de una interpretación sesgada, puesto que toda traducción, por muy literal que se presente, implica una toma de postura por parte del traductor, y la disolución, por tanto, de algunas situaciones de ambigüedad que pudieran presentarse en el texto de partida, o, por el contrario, la generación de nuevas ambigüedades en lugares donde inicialmente no las había³².

b) En segundo lugar, hay que recordar que los *Basílicos* no se concebían como una mera recuperación del Derecho justiniano en su forma originaria, como un *remake* del *Corpus iuris*, sino más bien como una *repetita praelectio*, es decir, una nueva versión que trata de conservar la esencia del original, pero adaptándolo a las nuevas circunstancias, y, en consecuencia, modificándolo parcialmente (precisamente para que siga siendo igual, es decir, válido y eficaz como cuerpo jurídico). La compilación se concebía como

por lo que resultan de discutible valor para la *recensio* de este último: cf. Wieacker 1988, p. 130.

²⁹ Lokin & Van Bochove 2011, p. 133.

³⁰ Lokin & Van Bochove 2011, p. 133-134.

³¹ Cf. al respecto § 3.3.

³² García Yebra 1983, p. 70-90.

emendatio (διόρθωσις) y como *repurgatio* (ἀνακάθαρσις) de la obra de Justiniano³³, que se proponía restaurar y renovar el Derecho con base en los textos justinianeos, pero, por una parte, eliminando todo lo contradictorio y lo obsoleto en la práctica (πάν μὲν ἐναντίον καὶ τὴν χρῆσιν οὐ παρερχόμενον ἐν τοῖς πράγμασι ... ὑπεχελόντες καὶ ἀποκρίναντες) y suprimiendo lo superfluo (πάν δέ, ὃ μὴ ἀναγκαῖον, ἀλλὰ περιττὸν ἐδόκει, ἀποτεμόντες τῆς συνυφάνσεως), y, por otra, reconduciendo a único apartado todo el material normativo concerniente a una misma disciplina disperso en los distintos *libri legales* de Justiniano (τὰ ἀνὰ μέρος καὶ κατὰ διασπορὰν περὶ τοῦ αὐτοῦ πράγματος εἰρημένα εἰς μίαν τίτλου περιοχὴν καταστήσαντες ... καὶ ἀπλῶς ὅσα σύντοιχα καὶ πρὸς τὴν αὐτὴν ὑπόθεσιν ὀρώντα, ταῦτα ἐξ ἀλλήλων ἀδιάσπαστα καὶ ἐν τῇ συντάξει τηρήσαντες), conformando así un texto unitario en 60 libros (ἐν ἐξήκοντα ὅλοις βιβλίοις ἀπαρτισάμενοι)³⁴. La comisión compilatoria (*Basilicorum repurgatores*), presidida por el protospatriario Simbacio³⁵, fue autorizada, por tanto, a intervenir sobre los textos justinianeos para lograr esos objetivos, permitiéndose incluso, en un último estadio de elaboración, la introducción de interpolaciones, que afectaron sobre todo a la helenización de los *termini technici* que en los materiales originales del s.VI manejados por los compiladores habían permanecido en su forma latina originaria (ἐξελληνισμοί), pero no quedaron limitadas solo a eso³⁶. Estas modificaciones textuales – cuyo alcance está todavía pendiente de evaluar suficientemente³⁷ – contribuyen, por tanto, a sembrar aún más dudas a la hora de prestar una confianza ciega en su lectura respecto a los textos originales justinianeos y

³³ No en vano uno de los nombres por el que se conoció la compilación entre los bizantinos fue el de Ἀνακάθαρσις τῶν παλαιῶν νόμων τοῦ Λέοντος (Wenger 1953, p. 702).

³⁴ *Bas.* proemio, ed. Schminck 1986, p. 23, ll. 20–28.

³⁵ Cf. al respecto Wenger 1953, p. 702 y n. 263.

³⁶ Cf. más indicaciones en Pieler 1978, p. 456, y últimamente Lokin & Van Bochove 2011, p. 140–141.

³⁷ Las alteraciones – fuera de la helenización de los términos técnicos latinos – no debieron de ser muchas, ya que se impuso una actitud conservadora hacia los textos, e incluso se dejaron como Derecho vigente normas de Derecho administrativo claramente obsoletas, mientras que no se incorporaron muchas de las innovaciones normativas de la legislación anterior a León VI, incluso algunas de Basilio I contenidas en el *Procheiron*: cf. Pieler 1978, p. 456; Lokin & Van Bochove 2011, p. 141.

obligan igualmente a mantener ciertas prevenciones en cuanto al auténtico valor crítico de esta compilación.

c) Por fin, un tercer factor que contribuye a reducir el valor de las lecturas de los *Basílicos* sobre los pasajes del *Corpus iuris* justiniano es la complicada transmisión manuscrita de esa obra³⁸. Un problema de base es el hecho de que no está claro si la compilación tuvo una verdadera publicación oficial y, por tanto, un carácter de disposición legal propiamente dicha³⁹. No ha llegado hasta nosotros ningún manuscrito completo del conjunto, sino solo manuscritos parciales⁴⁰, y muy a menudo en mal estado, lo que abona la tesis de la falta de vigencia de la obra como texto legislativo o, al menos, su rápido abandono en la praxis jurídica. Podría decirse que el hecho de que la compilación tuviera verdadero carácter vinculante jurídicamente o no resulta irrelevante desde el punto de vista de las cuestiones de pura crítica textual, porque lo único que aquí debe importarnos es si su texto conservaba fielmente el tenor de los textos justinianos o no (y, en este sentido, cabe decir que la falta de valor oficial sería un dato en su favor, pues indicaría justamente que a los compiladores poco debería haberles importado que el texto se adaptara o no a las necesidades de la práctica, sino solo si respetaba formalmente la letra y el espíritu de la legislación justiniana o no⁴¹); sin embargo, lo cierto es que la falta de valor oficial habría conducido sin duda a una mayor facilidad para la corrupción de sus textos y, en consecuencia, a una reducción de su valor como instrumento de medición de la autenticidad de los textos justinianos llegados a través de la tradición occidental⁴². Sea como fuere, lo cierto es que el texto de los *Basílicos* que ha llegado hasta nosotros re-

³⁸ Cf. al respecto Mortreuil 1843-1846, II, p. 186-217; sintéticamente, Wenger 1953, p. 703-704; sobre el proemio, Schminck 1986, p. 17-21.

³⁹ Sobre la discusión doctrinal, véase Troianos 2011, p. 257-261.

⁴⁰ Solo disponemos aproximadamente de dos tercios del contenido de la obra; el otro tercio debe ser reconstruido a través de los repertorios y resúmenes de épocas posteriores: v. Mortreuil 1843-1846, II, p. 186-217; cf. infra en el texto *sub* apartado 3.1.3.

⁴¹ Se sugiere incluso que las pocas adaptaciones al Derecho más moderno que se encuentran ocasionalmente en el texto provendrían más bien de alteraciones efectuadas por el copista *sua sponte*: cf. Lokin & Van Bochove 2011, p. 141.

⁴² Parece que, en cualquier caso, la compilación sí acabó adquiriendo fuerza de ley en 1175, por una disposición del emperador Alejo I Comneno (cf. Van der Wal & Lokin 1985, p. 84), es decir, casi tres siglos después de su elaboración, por

sulta sumamente impreciso: los manuscritos disponibles no son muchos ni de buena calidad, y las relaciones de parentesco entre unos y otros son poco claras; muchos libros de la compilación han llegado hasta nosotros a través de un solo manuscrito, y otros han podido ser reconstruidos únicamente mediante las informaciones suministradas por otras fuentes (v. gr. la *Epanagoge aucta*, la *Synopsis [Maior] Basilicorum*, la *Peira*, el *Tipucitus* o el comentario al *Nomocanon XIV Titulorum* de Teodoro Balsamon)⁴³. Todo ello ha hecho que la reconstrucción del texto de la obra represente un desafío para los criterios tradicionales de la crítica textual⁴⁴ y la consecución de una edición verdaderamente convincente haya sido, y siga siendo hasta cierto punto, una de las tareas más exigentes en la doctrina de las fuentes jurídicas romanas y un auténtico *desideratum* de la bizantinística jurídica.

3.1.2. Un segundo bloque dentro de estas fuentes jurídicas, a un nivel semejante al de los *Basílicos* pero, en principio, con un valor formalmente menor desde el punto de vista de su cercanía al texto del *Corpus iuris* justiniano, lo constituyen otras compilaciones que recogen también pasajes tomados de los *libri legales* de Justiniano, pero en su versión griega. La diferencia con respecto al texto de los *Basílicos* se basa simplemente en el hecho de que estos constituían, al menos formalmente (y quizá con carácter oficial y legislativo desde un principio), una recopilación de la *totalidad* del *Corpus iuris civilis*, con excepción de aquellas normas que se

lo que la probabilidad de existencia de corrupciones textuales sigue siendo en todo caso bastante alta.

⁴³ Sobre estas y otras obras, cf. inmediatamente infra en el texto *sub* apartado 3.1.3.

⁴⁴ El mal estado de la transmisión manuscrita de la obra no permite la fijación de un arquetipo ni, por tanto, de un esquema constante de filiación de los testimonios, de modo que resulta imposible una reconstrucción del texto al modo clásico de la crítica textual lachmanniana. En consecuencia, los editores de la nueva edición estándar de la obra (cf. supra n. 20) han apoyado la *recensio* no en la reconstrucción de un arquetipo, sino en la elección, según su prudente juicio y competencia en la materia, del comparativamente mejor texto posible de entre los mejores manuscritos y formas textuales en cada caso. El resultado ha supuesto un progreso notable respecto a las ediciones anteriores (cf. Wieacker 2006, p. 334), pero no ha resultado completamente convincente, y ya han aparecido propuestas alternativas en algunos extremos: v. gr. la ed. del libro 53 (uno de los libros de más compleja elaboración y transmisión) en Rhodolakis 2007.

consideraran obsoletas y de nulo valor actual⁴⁵, y además en su forma *original* (con meras modificaciones formales para adaptar los textos a la lengua hablada y al nuevo esquema unitario de la obra, así como para evitar repeticiones). De modo que, por vía de principio, los *Basílicos* debían constituir una suerte de *calco* griego (más racional en su forma externa) del *Corpus iuris civilis*, mientras que en el caso de estas otras compilaciones a las que hacemos referencia aquí estaríamos ante meras selecciones y adaptaciones de textos formalmente declaradas, pero, en todo caso, respetando también en todo lo posible el tenor y el contenido de las normas justinianas recogidas. Estas obras son, por tanto, un genuino producto del ‘renacimiento jurídico macedonio’⁴⁶, al igual que los *Basílicos*, y solo difieren de esta compilación en cuanto a ambición (no pretenden ser tendencialmente una recopilación de *todo* el Derecho vigente) y, en su caso, valor vinculante (en la medida en que se considere a los *Basílicos* una obra legislativa o no).

Dentro de esta categoría de fuentes se encuentran el *Procheiron* (Πρόχειρος νόμος), la *Eisagoge* (Εἰσαγωγή τοῦ νόμου) y la *Epitome legum* (Ἐκλογή νόμων τῶν ἐν ἐπιτόμῳ ἐκτεθειμένων). Las dos primeras obras son compendios que se presentan como una síntesis de lo más esencial del ordenamiento jurídico vigente (fundamentalmente, Derecho privado y Derecho penal) con vistas a su utilización en la praxis judicial y negocial; están formalmente atribuidos al reinado de Basilio I con el fin de que sirvieran de preparación e introducción a su proyecto de ἀνακάθαρσις τῶν

⁴⁵ Ya hemos señalado que esto solo se cumplió parcialmente, cf. supra § 3.1.1.

⁴⁶ En apariencia también la *Ecloga* (Ἐκλογή) de los Isaurios (ca. 741) podría integrarse dentro de este grupo, puesto que, según su propia concepción, esta no era sino una ἐκλογή, esto es, una antología del Derecho vigente, que no era otro que el Derecho justiniano, y su función era únicamente facilitar el acceso al conocimiento del Derecho (demasiado extenso y complejo en su forma original) a los jueces y administradores de provincias (*Ecl. Proemio*, ed. Burgmann 1983, p. 162, ll. 36–40); sin embargo, los propios emperadores León III y Constantino V reconocen que en ella se han incluido también sus propias leyes reformadoras cuando resultaba pertinente para dar regulación a las cuestiones tratadas en la obra (*Ecl. Proemio*, ll. 45–48, ed. Burgmann 1983, p. 162), además de someter a las leyes justinianas a cierta moderación con vistas a hacer su contenido φιανθρωπότερον. Con todo, en la compilación el Derecho justiniano aparece sumamente deformado por la influencia de normas canónicas y elementos procedentes de las costumbres orientales y representaciones vulgares de las normas romanas, por lo que dudosamente puede situarse en esta categoría de normas aquí consideradas y se acerca más bien a las del grupo siguiente.

παλαιῶν νόμων, si bien hay una fuerte polémica doctrinal en torno a su verdadera fecha de aparición, a su auténtico carácter normativo y a la relación existente entre ellas⁴⁷.

El *Procheiron*⁴⁸ es una breve compilación de textos en 40 títulos que, según su *intitulatio*, fue publicada y promulgada como texto legal por Basilio I en torno a 879⁴⁹, aunque tal vez fuera objeto de una revisión y nueva publicación poco después de la muerte de León VI (912)⁵⁰. Las normas recogidas están tomadas casi en su totalidad del *Corpus iuris* justiniano (excepto el título 39, sobre el Derecho penal, que se acerca al Derecho de la *Ecloga* isaúrica)⁵¹, a través de la literatura de comentarios de los *antecessores* y σχολαστικοί, pero ampliamente helenizadas y enriquecidas con diversas normas tomadas de novelas de Basilio I, por lo que su contenido en ocasiones se desvía del Derecho justiniano⁵².

Paralelamente, la *Eisagoge* (tradicionalmente conocida como *Epanagoge*)⁵³ es otro compendio de las mismas características que el *Procheiron*, también en 40 títulos, que según su *intitulatio* fue elaborada en tiempo del emperador Basilio I en corregencia con sus hijos León y Alejandro (por tanto, entre 880 y 886); sin embargo, una serie de elementos internos y externos al texto han hecho pensar a muchos estudiosos que la obra nunca llegó a re-

⁴⁷ Cf. una panorámica general al respecto en Van Bochove 2011. Aquí seguimos fundamentalmente los resultados que se desprenden de Signes Codoñer & Andrés Santos 2007, p. 189-274.

⁴⁸ Ed. Zepos & Zepos 1931, II, p. 107-228; nueva ed. del proemio en Schminck 1986, p. 56-60. Cf. al respecto Troianos 2011, p. 246-252.

⁴⁹ En contra, Schminck 1986, p. 98-107, que sitúa su verdadera publicación en el año 907; cf. al respecto, Van Bochove 2011, p. 248-254 (que la coloca entre 870 y 879); Troianos 2011, p. 246-248 (entre 872 y 879).

⁵⁰ Signes Codoñer & Andrés Santos 2007, p. 240-246.

⁵¹ Cf. supra n. 46

⁵² Cf. *Proch.* 4.22-27; 11.4; 14.11; 16.14; 21.16; 33.4, 30-32; 34.17; 38.62-64 (cf. Zachariä von Lingenthal 1837, p. 352); también en los escolios de la *Eisagoge* (cf. infra inmediatamente en el texto) se hace referencia a disposiciones ‘de nuestro piadoso emperador’ (τοῦ ἡμετέρου εὐσεβοῦς βασιλέως), que ha tendido a identificarse con Basilio I (cf. Signes Codoñer & Andrés Santos 2007, p. 179-181); en contra de esta tesis, Schminck 1986, p. 86-89, que considera que estas desviaciones del Derecho justiniano se deben a intervenciones legislativas de León VI.

⁵³ Ed. Zepos & Zepos 1931, II, p. 229-338; nueva ed. del proemio en Schminck 1986, p. 4-11 (con trad. alemana), reproducido en Stolte & Meijering 2001, p. 96-101 (con trad. inglesa). Al respecto, cf. Troianos 2011, p. 240-246; monográficamente, Signes Codoñer & Andrés Santos 2007 (con traducción española); cf. una síntesis en Andrés Santos 2007.

cibir sanción imperial y, por tanto, jamás adquirió valor de ley y se quedó en un mero proyecto privado⁵⁴; no obstante, dado que su redacción probablemente vino inspirada (y quizá en algunos capítulos directamente realizada) por el patriarca Focio⁵⁵, la obra gozó de gran prestigio en los círculos intelectuales y alcanzó cierta fortuna a lo largo de la historia del Imperio en diversos ámbitos⁵⁶. Al igual que el *Procheiron*, está compuesta sobre todo de textos procedentes del *Corpus iuris civilis*, en versión griega tomada de la literatura jurídica de los siglos VI y VII, con algunas variaciones procedentes de la legislación de Basilio I; pero, a diferencia de aquel, contiene una serie de títulos (1-11) referidos a materias de Derecho público y eclesiástico, donde se trata de las relaciones entre el poder político y eclesiástico y se regulan algunas figuras importantes de la jerarquía judicial civil y canónica; ajenos a la tradición justiniana; asimismo, en materia de Derecho privado, se observa una mayor influencia que en el *Procheiron* del Derecho de la *Ecloga*, sobre todo en los campos de las relaciones patrimoniales entre cónyuges y del Derecho hereditario, así como en el ámbito del Derecho penal. De ahí que su texto resulte, en general, menos utilizable que el del *Procheiron* con vistas a la crítica del *Corpus iuris* justiniano. La obra viene normalmente acompañada en su tradición manuscrita por un aparato de escolios, de autoría y datación desconocidas, que muestran un buen conocimiento del Derecho justiniano y son asimismo utilizables para la crítica textual de este⁵⁷.

Por su parte, la *Epitome (legum)*⁵⁸ es una colección en 50 títulos publicada en el año 921⁵⁹. Está formado por textos tomados del *Corpus iuris civilis*, en la forma griega dada por los jurisconsultos de los siglos VI y VII, así como para pasajes tomados del *Procheiron*.

⁵⁴ Signes Codoñer & Andrés Santos 2007, p. 165-180; en contra, Schminck 1986, p. 72-75; Van Bochove 1996, p. 27, que sostienen su carácter oficial.

⁵⁵ Signes Codoñer & Andrés Santos 2007, p. 147-160

⁵⁶ Malafosse 1953, col. 360-362.

⁵⁷ Cf. al respecto Signes Codoñer & Andrés Santos 2007, p. 169-182.

⁵⁸ Ed. Zepos & Zepos 1931, IV, p. 261-585, 596-619; nueva ed. del proemio en Schminck 1986, p. 112-119 (con trad. alemana). Al respecto, cf. Troianos 2011, p. 264-267.

⁵⁹ Una primera versión de esta obra parece encontrarse en un texto conocido como *Epitome Laurentiana* (Cod. Laur. 80.6 [E]), formado ya por 50 títulos, y sigue en el manuscrito a la sucesión de títulos del *Procheiron*, datándose en el año 913 o 914: cf. Schminck 1986, p. 122-124.

Al parecer, esta obra fue pensada como una revisión y ampliación del *Procheiron* en los inicios del reinado del emperador Romano I Lecapeno (a. 921)⁶⁰, pero finalmente no llegó a promulgarse como un texto legal propiamente dicho. La obra tiene a pesar de todo cierto interés desde el punto de vista de la crítica del *Corpus iuris civilis*, y concretamente del *Digesto*, porque contiene algunos pasajes griegos que no fueron recogidos en los *Basílicos*, y con gran pureza de contenido y expresión.

3.1.3. El tercer bloque dentro de esta categoría de fuentes jurídicas lo constituyen una gran pluralidad de obras que proceden de las mencionadas en los dos bloques anteriores, derivadas directamente de una sola o de varias de ellas combinadas.

Por una parte se encuentran, principalmente, las derivadas de los *Basílicos*. A pesar del trabajo de simplificación, sistematización y helenización llevado a cabo por la comisión compilatoria, el texto de los *Basílicos* resultaba aún demasiado complejo para su uso cotidiano en la práctica jurídica, de modo que en los siglos siguientes debieron de aparecer diversas obras que resumen y simplifican su contenido, como la *Ecloga lib. I-X Basilicorum*⁶¹ (ca. 997), una selección de pasajes de los primeros libros de los *Basílicos* en el orden legal, con escolios y comentarios; la *Synopsis Maior Basilicorum* (med. s. XI)⁶², una colección de capítulos de los *Basílicos*, a texto completo o resumido, puestos por orden alfabético de palabras-clave; el llamado *Forilegium Ambrosianum*⁶³, una versión abreviada (e incompleta) del texto de los *Basílicos*, seguida por el texto de las *Novelas* de León VI; el texto titulado *Tipucitus* (Τιπούκειτος, título que procede de la expresión ‘τί ποῦ κεῖται,’ = ¿dónde se encuentra, sc. en los *Basílicos*?)⁶⁴, atribuido al juez Patzes a fines del s. XI, un repertorio de cuestiones jurídicas que, res-

⁶⁰ Como autor de la compilación aparece un *Symbatios*, que podría ser el mismo protospatriar a quien se encargó la dirección de la comisión redactora (o compiladora) de los *Basílicos*, lo que da una idea de la intención normativa que albergaba el proyecto.

⁶¹ Pieler 1978, p. 462-463.

⁶² Ed. Zepos & Zepos 1931, V; cf. Troianos 2011, p. 275-278.

⁶³ Transmitido solamente por el palimpsesto *Cod. resc. Ambrosianus* F 106 (s. X); cf. Pieler 1978, p. 463 y n. 183, cf. asimismo Van der Wal & Lokin 1985, p. 92.

⁶⁴ Véase edd. en Pieler 1978, p. 462 y n. 178; v. además Troianos 2011, p. 278-279.

petando fielmente la estructura de libros y títulos de los *Basílicos*, ofrece numerosas indicaciones de reenvíos a pasajes paralelos de la compilación; el Πόνημα νομικόν (1073-74)⁶⁵, elaborado por el juez Miguel Atalíates⁶⁶, un compendio de los *Basílicos* en 35 títulos; o la ya tardía *Synopsis Minor*⁶⁷, obra anónima de mediados del s. XIII, elaborada en realidad a partir de obra de Miguel Atalíates, con elementos añadidos tomados de la *Synopsis Maior Basilicorum* y numerosos comentarios de factura propia, siguiendo el orden de las letras del alfabeto. Todas ellas pueden ser de algún interés en la medida en que hayan contribuido a una mejor *recensio* de los *LX libri Basilicorum* y presentan a ese respecto el mismo valor que pueda atribuirse a esta obra en la crítica de la Compilación de Justiniano.

Por otro lado se encuentran algunos desarrollos de las otras obras más breves del ‘renacimiento jurídico macedonio’, normalmente elaborados a partir de mezclas de normas procedentes de unas y otras, y también de la *Ecloga* de los Isaurios, junto con disposiciones imperiales; así encontramos, por ejemplo, la *Ecloga ad Procheiron mutata* (s. IX), el *Procheiron legum* (finales s. X – principios. s. XI), *Epanagoge (Eisagoge) cum Prochiro composita* (s. IX), la *Epanagoge (Eisagoge) aucta* (ss. X-XI), y otras muchas⁶⁸. Todas ellas son obras manualísticas pensadas principalmente para la praxis provincial, y en ellas hay numerosas contaminaciones procedentes de las costumbres de los lugares de aplicación y de representaciones vulgarizantes, por lo que su utilidad para la crítica textual del *Corpus iuris* justiniano es muy escasa, salvo en lo que hubieran servido de ayuda para la reconstrucción de las obras de referencia originales.

Por fin, junto a estas, pero con un alcance más amplio, se encuentran dos obras tardías que constituyen sendas obras misceláneas que, sobre la base del *Procheiron*, integran muchos más elementos y constituyen auténticos compendios del Derecho vigente en lo que quedaba del Imperio en sus siglos finales: estas

⁶⁵ Ed. Zepos & Zepos 1931, VII, p. 415-497; cf. Troianos 2011, p. 287-288.

⁶⁶ Sobre este personaje, v. Pérez Martín 2002, p. xxv-xxxiv; cf. Troianos 2011, p. 287-288.

⁶⁷ Ed. Zepos & Zepos 1931, VI, p. 327-547; cf. Troianos 2011, p. 382-384.

⁶⁸ Cf. al respecto Wenger 1953, p. 714-716; Pieler 1978, p. 458-461; Van der Wal & Lokin 1985, p. 93-95; Troianos 2011, 268-273.

obras son, por un lado, a) el llamado *Procheiron auctum* (ca. 1300)⁶⁹, un amplio compendio de autor anónimo que, sobre la base del antiguo *Procheiros nomos*, recopila casi todos los materiales vigentes en su época, procedentes de partes de los *Basílicos*, la *Epanagoge* (*Eisagoge*) *cum scholiis*, la *Epitome legum*, las dos Sinopsis de los *Basílicos* con apéndices, la *Ecloga* y, seguramente, también el Πόνημα νομικὸν de Ataliates; y, por otro, mucho más importante el *Hexabiblos* (Ἑξάβιβλος) o *Manuale legum* (1345)⁷⁰, del juez y νομοφύλαξ de Tesalónica Constantino Harmenópulo, un compendio muy completo que, sobre la base del *Procheiron*, sintetiza de modo creativo la mayor parte del material jurídico secular aplicable en su época en un solo volumen sistemáticamente dividido en 6 libros (obsérvese la referencia implícita a los *Basílicos*), con una serie de apéndices (*Epimetra Hexabibli*) y escolios tal vez de su propia mano, que gozó de gran aceptación tanto en su época como en la posteridad. Ambos libros, pero sobre todo este último, ofrecen en ocasiones interesantes testimonios para completar las obras antiguas de las que se sirven y proporcionan ocasionalmente algún material marginal útil para la crítica del propio *Corpus iuris* justiniano.

3.2. Un segundo tipo de fuentes jurídicas que deben ser objeto de nuestra consideración está constituido por los textos legislativos adoptados por los emperadores bizantinos con posterioridad a Justiniano e independientes del *Corpus iuris civilis*. No son muchos estos productos normativos⁷¹, dado que en el Bizancio medieval – a diferencia de lo que acontecía en el Bajo Imperio romano – nunca se consideró al emperador como un genuino legislador⁷², aunque en la práctica sí legislara. La codificación de las *leges* y los *iura* operada a través de la Compilación justiniana fue considerada la base del ordenamiento jurídico bizantino con cierto carácter general e intemporal (lo que explica que en ningún momento posterior se emprendiera una nueva codifica-

⁶⁹ Zepos & Zepos 1931, VII, p. 5-361.

⁷⁰ Edd. Heimbach 1851, Pitsakis 1971; cf. al respecto Troianos 2011, p. 386-391; además, Quintana Orive 2010.

⁷¹ Véase un elenco de las disposiciones normativas de los emperadores en Zachariä von Lingenthal 1892, p. 5-45.

⁷² Véase p. ej lo que se dice en el proemio de la *Eisagoge*, 88-89, ll. 11, 28-30; cf. al respecto Stolte & Meijering 2001, p. 105.

ción propiamente dicha, y que recopilaciones de textos jurídicos muchos siglos posteriores a Justiniano todavía sigan ofreciendo lecturas útiles para la fijación y comprensión del texto justiniano). Frente a la legislación *express* de los antiguos emperadores romanos, los bizantinos fueron parcos y reacios a intervenciones masivas en el ordenamiento, particularmente en aquellos puntos nucleares del ordenamiento recogidos en la Codificación justiniana. La mayor parte de las leyes de los emperadores bizantinos (*novellae*) fueron, pues, normas relacionadas con cuestiones de índole organizativa y administrativa, o de ordenación de la vida económica, pero sin incidir en gran medida en los temas tradicionales del Derecho público y privado contenidos en el *Corpus iuris civilis*. Solo en supuestos concretos, para cuestiones de elevado interés social (temas de Derecho de familia, normas de regulación del crédito, algunos extremos del Derecho de sucesiones, problemas de propiedad de la tierra), la intervención legislativa de los emperadores se hizo notar y entró a reformar algunos puntos de la regulación de Justiniano.

Tan solo en estos últimos y escasos supuestos puede darse la circunstancia de que en el texto de algunas de las *novelas* pudieran encontrarse eventualmente referencias a la Compilación justiniana que resulten útiles para ayudar a la crítica textual de sus pasajes. Se trata de un extremo que aún está pendiente de una investigación con mayor continuidad y rigor, si bien es claro que las perspectivas que esta posibilidad abre de obtener resultados prácticos resultan bastante limitadas.

De entre todas las actuaciones legislativas de los emperadores postjustinianos tal vez las únicas que, *a priori*, debido a su carácter deliberadamente anticuario y emulador de la actividad de Justiniano, podrían arrojar quizás un resultado más favorable serían las *Novelas* de León VI⁷³, ya que en este caso sí encontramos una amplia batería de legislación (113 novelas recogidas oficialmente en una colección, más otras que quedaron fuera de ella⁷⁴) con un decidido ánimo reformista del Derecho vigente, además en aspectos centrales de la vida social, como el Derecho de familia y

⁷³ Sobre esta obra, v. ahora Signes Codoñer 2011 (con más referencias).

⁷⁴ Ed. Noailles & Dain 1944. Sobre las *novellae extravagantes* de León, cf. Schminck 1990.

el Derecho de sucesiones, que inciden directamente en capítulos básicos de la Compilación justiniana. Es justo por ese afán abiertamente reformista y emulador de Justiniano por lo que en las *Novelas* de León aparecen abundantes referencias de contenido a las leyes de Justiniano que León pretende derogar o, al menos, modificar. De ahí que estas piezas legislativas puedan prestarse más que otras a una comparación con los pasajes del *Corpus iuris civilis*. Ahora bien, al mismo tiempo, dada la decidida vocación de estilo personal que presenta la escritura de León⁷⁵, esas mismas referencias a la legislación justiniana aparecen expresadas de un modo particular que hace difícil proceder a una verdadera confrontación textual con el discurso de las leyes compilatorias. Como consecuencia de esta doble dimensión que ofrecen las *Novelas* de León, resulta aventurado afirmar o negar apodócticamente tanto la posibilidad real de emplear estos documentos como instrumentos de medición crítico-textual del *Corpus iuris civilis*, como lo contrario. Se hace necesaria, pues, una mayor investigación en este terreno para poder inclinarse con suficiente criterio por una u otra opción.

Un capítulo aparte merecen en este apartado unos textos a los que tradicionalmente se ha dado la consideración de leyes (νόμοι), pero que, en realidad, debieron de ser compendios de textos jurídicos elaborados a través del trabajo privado de juristas anónimos⁷⁶, y cuya autoría real, datación e incluso contenido resultan muy dudosos. Se trata de la *lex rustica* (νόμος γεωργικός)⁷⁷, la *lex Rhodia* (νόμος Ῥοδίων ναυτικός)⁷⁸ y la *lex militaris* (νόμος στρατιωτικός)⁷⁹, referidas a diversos aspectos del Derecho penal, administrativo, agrario, comercial y militar. La doctrina tradicional ha atribuido su composición a la época iconoclasta, en paralelo con la *Ecloga* de los Isaurios, de modo que en ellas el Derecho justiniano aparece muy vulgarizado, debido a la incorporación de normas nuevas y la penetración de representaciones jurídicas procedentes de la costumbre; sin embargo, investigaciones más

⁷⁵ Véase Van der Wal & Lokin 1985, p. 86.

⁷⁶ Sobre estas obras, cf. Wenger 1953, p. 697-700; Pieler 1978, p. 440-442; Van der Wal & Lokin 1985, p. 73-75.

⁷⁷ Ed. Ashburner 1910.

⁷⁸ Ed. Ashburner 1909.

⁷⁹ Edd. Ashburner 1926, Korzenszky 1931.

recientes⁸⁰ han puesto en cuestión esta interpretación y sostienen que también estas colecciones de textos son imputables al espíritu del ‘renacimiento jurídico macedonio’ y, en última instancia, al impulso del patriarca Focio. En ese caso, estos compendios deberían encuadrarse más bien en la segunda categoría de los señalados anteriormente y cabría pensar que también son aptos para servir de elemento de crítica del texto del *Corpus iuris civilis*. Sin embargo, dada la imagen deformada que el Derecho justiniano ofrece en ellos, resulta muy discutible el verdadero rendimiento que podría obtenerse de su texto; pero la cuestión necesita de una investigación más detallada, que sea capaz de determinar el verdadero alcance de estas colecciones.

3.3. Mucho más interés desde el punto de vista de la crítica textual del *Corpus iuris* despierta la tercera categoría de fuentes a que nos referimos. Se trata de aquellas obras doctrinales elaboradas por los juristas bizantinos de época de Justiniano, o inmediatamente posterior a la desaparición de este, con base en el propio *Corpus iuris civilis*. A pesar de que formalmente Justiniano había prohibido la realización de comentarios a su obra legislativa (con la excepción de la elaboración de ἰνδικες, κατὰ πόδας y παρά τιτλα)⁸¹, sin embargo, los propios compiladores – muchos de

⁸⁰ V. gr. Schminck 1999, 2005a y 2005b; cf. al respecto Signes Codoñer & Andrés Santos 2007, p. 49-52.

⁸¹ Const. *Deo auctore*, § 12; const. *Tanta/Δέδωκεν*, § 21. El verdadero alcance de esta prohibición es objeto de una acerada disputa entre los estudiosos. Según la interpretación tradicional (por todos, Wieacker 2006, p. 300), la prohibición afectaba a la escritura de toda clase de *comentarii* o ὑπομνήματα (salvo las excepciones referidas) con relación tanto al *Digesto* como al *Código* y las *Institutiones*, de modo que quien osara vulnerar tal prohibición sería procesado por comisión de un delito de *falsum*; la aparición de una nutrida literatura exegética del *Corpus iuris* ya en la propia vida de Justiniano y por los propios compiladores se explica solamente como una consecuencia derivada de las prácticas docentes, debida al descuido de Justiniano de no reiterar la prohibición en su const. *Omnem* (16.12.533) dirigida a los profesores y la reorganización de los estudios de Derecho. Frente a esta interpretación un tanto endeble, Scheltema 1977 propuso una explicación alternativa: no existió tal prohibición con carácter general, sino que la que se lee en las constituciones introductorias del *Código* y el *Digesto* se refiere en realidad a la aposición de notas explicativas, marginales o interlineales, al texto legislativo (similar a la prohibición de usar *sigla* o abreviaturas en las copias de la ley: const. *Deo auctore*, § 13; const. *Omnem*, § 8; const. *Tanta/Δέδωκεν*, § 22; const. *Cordi*, § 5), con el fin de mantener el texto de la ley en su estado original, sin sufrir las alteraciones y corrupciones que fueron tan típicas de la época postclásica y que

ellos profesores (*antecesores*) de las prestigiosas escuelas de Beirut y Constantinopla – fueron los primeros en escribir textos que, sobre la base de esos géneros permitidos por Justiniano, no se limitaron a facilitar la comprensión del texto compilatorio a un público poco familiarizado con la lengua latina, sino que incluso se fueron deslizado hacia el terreno (prohibido) del comentario al texto normativo. Así, ya poco después de la publicación de las *Institutiones* justinianas (533), uno de los más destacados compiladores, Teófilo, redactó una *Paráfrasis* de dicha obra⁸² – prácticamente el único testimonio griego de la literatura didáctica de época justiniana –, en la que no se limitaba a traducir al griego los textos latinos de Justiniano, sino que también introducía sustanciales adaptaciones a la sensibilidad jurídica de sus estudiantes orientales y demostraba un buen conocimiento de la literatura jurídica prejustiniana no compilada. Esta obra tuvo tal difusión que, de hecho, llegó a desplazar al original justiniano en la historia del Derecho bizantino; de ahí su excelente conservación, comparada con los otros testimonios de la literatura jurídica bizantina.

También a Teófilo corresponde un *index* del Digesto, del que quedan algunos fragmentos conocidos a través de los escolios de los *Basílicos*, de los que hablaremos en seguida. Asimismo el *antecesor* de Beirut y Constantinopla Estéfano⁸³ escribió, no antes de 556, un *index* a los primeros 36 libros del Digesto que constituye un comentario amplio y detallado (εἰς τὸ πλάτος, por eso se denomina tradicionalmente esta obra el *πλάτος* del *Digesto*), con un estilo muy personal, indicativo de los modos de impartir lecciones en las escuelas jurídicas de la época. De esta obra han quedado gran cantidad de fragmentos, lo que da una idea de su importancia y trascendencia posterior. Otros *indices* del Digesto

la Compilación de Justiniano justamente trataba de evitar; las excepciones admitidas hacían referencia a los breves resúmenes, guiones o traducciones palabra por palabra de los textos legislativos que se podían escribir en el mismo manuscrito que los contenía, porque no corrían el peligro de ser confundidos con el tenor mismo de la ley. Esta segunda interpretación ha sido especialmente seguida por los estudiosos holandeses discípulos de Scheltema: cf. Van der Wal & Lokin 1985, p. 36-37; Wallinga 1989, p. 107-116; Lokin & Van Bochove 2011, p. 114-115.

⁸² Edd. Ferrini 1884; Lokin et al. 2010. Sobre este autor, cf. Llanos Pitarch 2004; Lokin & Van Bochove 2011, p. 122-126.

⁸³ Lokin & Van Bochove 2011, p. 127.

completo de los que se poseen fragmentos se atribuyen al compilador Doroteo⁸⁴ y, ya avanzado el s. VI, en el reinado de Justino II (565-578), a Cirilo (también llamado ‘el joven’, para distinguirlo de un famoso profesor de Beirut de inicios del s. VI)⁸⁵ y a un autor desconocido, llamado por ello en los escolios de los *Basílicos* ‘el Anónimo’⁸⁶, al que otro autor, también Anónimo, añadió una cadena de comentarios (*paragraphai*) en el siglo siguiente; este segundo Anónimo pudo ser autor – según sus propios testimonios – de una obra sobre las contradicciones en el Digesto (*περὶ ἐναντιοφανεῖων*), por lo que en los escolios de los *Basílicos* se le conoce también como *Enantiophanes*⁸⁷, así como de un epítome de las *Novelas* y del *Nomocanon XIV titulorum*, obra canónica falsamente atribuida al patriarca Focio. Otros *indices* del Digesto de fines del s. VI e inicios del VII se atribuyen en los *Basílicos* a Anastasio⁸⁸ y a Cobidas⁸⁹, quizá autor también de un libro de Derecho penal (*ποινάλιον*). En algunos escolios se han asignado también comentarios al Digesto a los compiladores Isidoro⁹⁰ y Anatolio⁹¹, así como al *σχολαστικός* Teodoro de Hermópolis⁹² a fines del s. VI.

También en esta primera época se escribieron comentarios exegéticos al *Codex Iustinianus*, particularmente el de Taleleo⁹³, profesor de Beirut y uno de los destinatarios de la constitución *Omnem* de Justiniano, que fue ampliamente utilizado para la elaboración de los *Basílicos* y sus escolios⁹⁴, al que se unieron las *summae* más breves de Isidoro, Anatolio, Estéfano y Teodoro⁹⁵. Hay restos de otros trabajos relativos al *Codex* de la época de los *antecessores*, como Doroteo, Cirilo, Cobidas o Focas⁹⁶.

⁸⁴ Agudo Ruiz 2004; Lokin & Van Bochove 2011, p. 128.

⁸⁵ Lokin & Van Bochove 2011, p. 128.

⁸⁶ Cf. supra n. 26.

⁸⁷ Lokin & Van Bochove 2011, p. 129-130.

⁸⁸ Mortreuil 1843-1846, I, 139-140; Pieler 1978, p. 423.

⁸⁹ Lokin & Van Bochove 2011, p. 127.

⁹⁰ Lokin & Van Bochove 2011, p. 132.

⁹¹ Cf. supra n. 29.

⁹² Lokin & Van Bochove 2011, p. 133-134.

⁹³ Lokin & Van Bochove 2011, p. 131-132.

⁹⁴ Wenger 1953, p. 688-689.

⁹⁵ Pieler 1978, p. 424, 436.

⁹⁶ Pieler 1978, p. 425.

En cuanto a las *Novelas* justinianeas, que no fueron incluidas en ninguna colección oficial, hubo algunos trabajos recopilatorios privados y labores de síntesis, entre las que cabe destacar, además del *epítome* del mencionado segundo Anónimo/*Enantiophanes*, otros breviarios como los mencionados de Atanasio de Emesa y Teodoro de Hermópolis⁹⁷. Otros epítomes más breves fueron las de Filomeno y Simbacio, de los que tenemos poca información⁹⁸.

El tipo de literatura jurídica que encontramos en esta época coetánea o inmediatamente posterior a Justiniano (*antecessores* y *σχολαστικοί*) presenta una neta orientación didáctica, y sólo es exegética en la medida en que dicha labor resultaba necesaria para hacer más eficaz la tarea docente. Las formas externas del tipo de los *ἵνδικες*, *παραγραφαί*, *ὑπομνήματα*, *ἐρωταποκρίσεις*, *παραπομπαί*, *παράτιπλα*, etc., están ligadas todas ellas a un método de enseñanza consolidado en las escuelas de Beirut y Constantinopla y tendente a facilitar a los estudiantes el manejo de un enorme y complejo cuerpo normativo escrito mayoritariamente en una lengua extraña para ellos⁹⁹.

Pero el interés de estas obras de los *antecessores* y *σχολαστικοί* no radica a nuestros efectos tan solo en que pueden constituir una suerte de interpretación ‘auténtica’ en cierto sentido de los pasajes de los *libri legales*, sino sobre todo en que, como ya hemos señalado, esos textos (particularmente algunos de ellos) sirvieron de base a la elaboración de la nueva compilación griega de la época macedonia y que, asimismo, a partir del s. X, quizá por orden del emperador Constantino VII Porfirogénito (913-957), el texto de los *Basílicos* vino acompañado sistemáticamente por escolios explicativos procedentes en gran medida de extractos de los *paratitla* y *paraphraseis* de estos autores (*παλαιά* o *παραγραφαὶ τῶν παλαιῶν*, *scholia antiqua*)¹⁰⁰. De ahí, por tanto, que el valor de estas obras para la crítica textual del *Corpus iuris civilis* resulte incalculable, ya que en muchas de ellas se encuentran lecturas alternativas a las de los textos de la tradición latina, pero también

⁹⁷ Cf. supra n. 30.

⁹⁸ Véase Pieler 1978, p. 437.

⁹⁹ Sobre el método de los juristas bizantinos de esta primera época, v. con detalle, Scheltema 1970, pass.; más indicaciones en Lokin & Van Bochove 2011, p. 118-122.

¹⁰⁰ Cf. al respecto Lokin & Van Bochove 2011, p. 143-144.

variantes de las versiones consagradas en el texto de los *Basílicos* que en ocasiones ofrecen lecturas mejores que la versión oficial o cubren lagunas tanto en unos como en otros manuscritos.

3.4. El cuarto tipo de fuentes a las que hay que hacer referencia aquí es el de los comentarios de jurisconsultos bizantinos a otras obras jurídicas posteriores al *Corpus iuris* justiniano. La literatura jurídica no acabó en Bizancio con el final de las escuelas de la época de Justiniano ni se agotó en esa literatura exegetica del texto compilatorio, sino que continuó más allá, sobre todo a partir del ‘renacimiento jurídico macedonio’.

Esta corriente restauradora y renovadora a la vez del antiguo Derecho justiniano propició la aparición de una nueva y floreciente literatura jurídica en Bizancio en los siglos X-XI. Al hilo de la codificación macedonia surgió una literatura compilatoria que se orientó, bien a la simplificación del material de los *Basílicos*, bien a su aclaración por medio de escolios, pero también una literatura isagógica y numerosas monografías y tratados sobre temas específicos y repertorios de decisiones judiciales. En esta época neoclasicista aparecen varios nombres de juristas relevantes, de entre los que destaca especialmente el de Eustacio Romano, juez activo en Constantinopla a fines del s. X e inicios del XI y que ocupó altos cargos en la corte imperial (*patricius*, *mysticus*, *drungario* de la vigilia, *magister*) con el emperador Romano III Argiro (1028-1034). Su actividad jurídica se plasma en sus dictámenes y decisiones judiciales, que se encuentran recogidas en una colección titulada Πείρα¹⁰¹, preparada por uno de sus discípulos en vida suya y conservada en un único manuscrito tardío del s. XV. El libro pudo ser ampliamente utilizado en la práctica judicial de la Corte del Hipódromo (tribunal superior de Constantinopla). Además de estos dictámenes y sentencias, Eustacio Romano escribió también un tratado sobre el ὑπόβολον (patrimonio marital)¹⁰² y escolios a los *Basílicos* al final de su vida.

Entre los juristas destacados de este período podrían mencionarse también otros muchos nombres¹⁰³, como el del *magistros* Cosmas, autor de varios dictámenes del año 929; a inicios del

¹⁰¹ Ed. Zepos & Zepos 1931, IV, p. 1-260; cf. Troianos 2011, p. 295-300.

¹⁰² Troianos 2011, p. 290.

¹⁰³ Sobre ellos, cf. Troianos 2011, p. 289-292.

s. XI, Jorge Fobeno, autor de un tratado sobre el ὑπόβολον y otro sobre el κάσσος (destino del patrimonio familiar tras la muerte de un cónyuge); Garidas, autor, bajo el emperador Constantino X Dukas (1059-1067), de un dictamen sobre el homicidio intencional y de un léxico procesal; o, sobre todo, Juan Xifilino¹⁰⁴, que fue νομοφύλαξ (1043) y patriarca de Constantinopla (1064-1075), al que se atribuyen tres importantes monografías (*meditatio de nudis pactis*, *tractatus de peculiis* y *tractatus de creditis*)¹⁰⁵; o su amigo y discípulo Miguel Pselo¹⁰⁶, polígrafo y erudito (el ‘príncipe de los filósofos’), autor de una *Synopsis legum* (Συνόψις τῶν νομῶν)¹⁰⁷ en verso, dedicada a su alumno, el futuro emperador Miguel VII Dukas (1061-1078), y de varios opúsculos canónicos; y otros muchos juristas de obra menos conocida, como Juan Mauropo, Constantino Licudes o Constantino de Nicea¹⁰⁸. No está suficientemente ponderada la influencia que pudo tener en este desarrollo de la jurisprudencia bizantina en el s. XI (paralela a los primeros trabajos científicos de la jurisprudencia en la Italia medieval, en las escuelas de Pavía y Bolonia)¹⁰⁹ la regulación de la enseñanza jurídica en el seno de una academia gremial de Constantinopla, en cuya presidencia se colocó al citado Juan Xifilino, por un decreto del emperador Constantino IX Monómaco (1042-1055) de 1043¹¹⁰, pero sin duda hubo de ser grande en la generación de autores posteriores a Eustacio Romano¹¹¹.

Quizá la mayor aportación de esta nueva escuela jurídica de Constantinopla fue la elaboración de una amplia serie de escolios dirigidos específicamente a la aclaración, no ya del texto del *Corpus iuris* justiniano, sino directamente de los *Basílicos*: son los llamados *scholia recentiora* (νεὰ παραγραφαί), que vinieron a añá-

¹⁰⁴ Troianos 2011, p. 283-284.

¹⁰⁵ Pieler 1978, p. 467-468; Troianos 2011, p. 293-294.

¹⁰⁶ Sobre la vida y obra de este importante autor en la historia de la literatura bizantina, cf. Signes Codoñer 2005, p. 7-47; más indicaciones en Troianos 2011, p. 284-286.

¹⁰⁷ Ed. Zepos & Zepos 1931, VII, p. 377-407; cf. Weiss 1977.

¹⁰⁸ Estos autores destacan más como literatos que como juristas, cf. Hunger 1978, I, p. 133-134, 219-220, 232-234, 477; II, p. 171-172, 344-346.

¹⁰⁹ Lokin & Van Bochove 2011, p. 146; sobre los orígenes de las escuelas occidentales, v. Radding 1988.

¹¹⁰ Al respecto, cf. Wolska-Lonus 1976 y 1979; v. una panorámica general en Van der Wal & Lokin 1985, p. 98-100.

¹¹¹ Wenger 1953, p. 717-719.

dirse al aparato de escolios contruidos a partir de las obras de los *antecessores* y *σχολαστικοί* de los siglos VI y VII que quizá estaban ya integrados en los manuscritos de la compilación desde el s. X¹¹². Apenas se conocen nombres de estos nuevos escoliastas, con la excepción del propio Juan Xifilino y de Constantino de Nicea. Gran parte de estos escolios aparecen sin firma, por lo que son a menudo indistinguibles de los antiguos no atribuidos a ningún autor. El trabajo de identificar unos y otros no es tarea fácil¹¹³, pero resulta de gran trascendencia para una labor de crítica textual del *Corpus iuris*, puesto que, mientras los escolios antiguos pueden ser de gran utilidad para establecer lecturas valiosas del texto compilatorio, en cambio los escolios más modernos resultan irrelevantes en este sentido, puesto que su interés es exclusivamente el texto de los *Basilicos*, con la vista puesta en las necesidades jurídicas de la época en que este debía ser aplicado; hay, por tanto, una finalidad opuesta en unos y otros casos: mientras los antiguos miran hacia atrás, hacia la restauración y pureza del texto compilatorio (justiniano), los modernos miran hacia delante, hacia una mayor adaptación del significado del texto compilatorio (macedonio) para las exigencias de su época. Por lo tanto, aun cuando esta literatura jurídica resulta de un gran interés en relación con el desarrollo jurídico bizantino y la comprensión de las realidades históricas el Imperio bizantino medio, en cambio, desde el punto de vista de la crítica textual del *Corpus iuris civilis* es claramente una literatura secundaria y un repertorio de fuentes de muy limitada rentabilidad.

4. Una vez aclaradas toda estas cuestiones, tendríamos que volver a la pregunta que nos hacíamos desde el comienzo: ¿cuál es el valor o funcionalidad de estos textos jurídicos bizantinos aquí señalados (y, eventualmente, algunos otros de menor importancia práctica) para la puesta en práctica de una crítica textual (en sentido amplio, tanto de nivel *superior* como *inferior*) del *Corpus iuris civilis* a la altura de nuestro tiempo? Esta cuestión ha sido repetidamente planteada y discutida¹¹⁴, pero los enfoques han

¹¹² Lokin & Van Bochove 2011, p. 144-145.

¹¹³ Lokin & Van Bochove 2011, p. 143-144 n. 108.

¹¹⁴ Cf. referencias en Wenger 1953, p. 723-726; una reciente aportación en este terreno puede verse en Stolte 2011.

sido hasta ahora demasiado unidimensionales y no han tenido suficientemente en cuenta la totalidad de las fuentes disponibles y los diferentes niveles de intertextualidad existentes entre ellas. No basta, por tanto, con encontrar paralelismos temáticos y contextuales entre las distintas fuentes, sino que es preciso valorar la relación presente entre ellas en el marco de una consideración histórica más amplia que la que se ha venido teniendo en cuenta hasta ahora (que se ha limitado, generalmente, a observar el grado de coincidencia entre los textos disponibles del *Corpus iuris civilis*, particularmente el *Digesto*, y los pasajes paralelos de los *Basílicos*, y proponer enmiendas al texto transmitido de la fuente justiniana, un procedimiento de cuyos límites ya el propio Mommsen dio cuenta en su día). Llevar a cabo cabalmente este trabajo exige, sin embargo, una labor previa de edición de todas estas fuentes más fiable de lo que hasta el momento se estado manejando. Queda, por tanto, un largo camino por recorrer antes de poder dar respuestas más concluyentes al interrogante que nos hemos formulado desde un principio en este ensayo. En consecuencia, debemos contentarnos, por el momento, con lo apuntado hasta aquí y las indicaciones que al respecto se han ido desgranando a lo largo de las páginas anteriores, y tratar de ver algunas soluciones al respecto a través de los ejemplos que, con las fuentes en la mano, nos ofrecen los restantes trabajos de este libro en esta sección.

Bibliografía

- A. Agudo Ruiz, 'Doroteo', en R. Domingo (ed.), *Juristas Universales*, I, Madrid – Barcelona: Marcial Pons, p. 237-238.
- F.J. Andrés Santos (2004), 'Karl Eduard Zachariä von Lingenthal', en R. Domingo (ed.), *Juristas universales*, III, Madrid – Barcelona: Marcial Pons, p. 255-259.
- F.J. Andrés Santos (2011), 'Brevissima storia della critica interpolazionistica nelle fonti giuridiche romane', en *Revista de Estudios Histórico-Jurídicos* 33, p. 65-120.
- W. Ashburner (1909), *The Rhodian Sea Law*, Oxford (reimpr. Aalen: Scientia, 1976) (= Zepos & Zepos 1931, II, p. 91-103).
- W. Ashburner (1910), 'The Farmers' Law', en *Journal of Hellenic Studies* 30, pp. 85-108 (= Zepos & Zepos 1931, II, p. 63-71).
- W. Ashburner (1926), 'The Byzantine Mutiny Act', en *Journal of Hellenic Studies* 46, p. 80-109 (= Zepos & Zepos 1931, II, p. 75-79).

- Bartol (2007), '*Leo VI Philosophus adversus Iustinianum?*', en *Studia et Documenta Historiae et Iuris* 73, p. 445-450.
- Basilicorum Libri LX* (1955-1988), H.J. Scheltema, N. van der Wal, D. Holwerda (edd.), Groningen et al.: J.B. Wolters. Series A, vol. I-VIII: *Textus*. Series B, vol. I-IX: *Scholia*.
- P. Bonfante (1934), *Storia del diritto romano*, II, Roma (reimpr. Milano: Giuffrè, 1959).
- L. Burgmann (1983), *Ecloga. Das Gesetzbuch Leons III. und Konstantinos' V*, Frankfurt am Main: Löwenklau.
- F. Castro y Bravo (1984), *Derecho civil de España*, Madrid: Civitas.
- Const. Harmenopuli Manuale legum sive Hexabiblos cum appendicibus et legibus agrariis*, G.E. Heimbach (ed.), Lipsiae, 1851 (repr. Aalen: Scientia, 1969).
- G. Ferrari dalla Spade (1930), 'Diritto bizantino', en *Enciclopedia italiana di scienze. lettere ed arti*, VII, Milano: Treccani, p. 141-148 (s.v. 'Civiltà bizantina').
- V. García Yebra (1983), *En torno a la traducción. Teoría, crítica, historia*, Madrid: Gredos.
- E. Gómez Royo (1989), 'Los *Basílicos*: origen, estructura y valor de la compilación', en *Estudios en recuerdo de la profesora Sylvia Romeu Alfaro*, Valencia: Universidad de Valencia, p. 449-456.
- E. Gómez Royo (1996), 'Introducción al Derecho bizantino', en *Seminarios Complutenses de Derecho Romano* 8, p. 139-207.
- H. Hunger (1978), *Die hochsprachliche profane Literatur der Byzantiner*, I, München.
- Institutionum Graeca Paraphrasis Theophilo Antecessori vulgo tributa*, E.C. Ferrini (ed.), Berlin-Milano, 1884-1887 (reimpr. Aalen, 1967).
- M. Kaser (1986), *Römische Rechtsgeschichte*, Göttingen: Vandenhoeck & Ruprecht (2ª ed.).
- Κονταντίνου Ἀρμενοπούλου Πρόχειρον Νόμων ἢ Ἐξάβιβλος, K. Pisakis (ed.), Athena: Dononi, 1971.
- E. Korzenszky (1931), *Leges poenales militares e codice Laurentiano LXXV*, Budapest (= Zepos & Zepos 1931, II, p. 80-89).
- H. Lange (1997), *Römisches Recht im Mittelalter*, I. *Die Glossatoren*, München: Beck.
- Les Nouvelles de Léon VI le Sage*, P. Noailles & A. Dain (eds.), Paris: Les Belles Lettres, 1944.
- J.M. Llanos Pitarch (2004), 'Teófilo', en R. Domingo (ed.), *Juristas Universales*, I, Madrid – Barcelona: Marcial Pons, p. 232-233.
- J.H.A. Lokin & T.E. van Bochove (2011), 'Compilazione – educazione – purificazione. Dalla legislazione di Giustiniano ai *Basílica cum*

- scholiis*', en J.H.A. Lokin & B.H. Stolte (eds.), *Introduzione al diritto bizantino. Da Giustiniano ai Basilici*, Pavia: IUSS Press, p. 99-146.
- J.H.A. Lokin (1989), 'Habent sua fata Basilica. On the Occasion of the Completion of the Groningen Basilica Edition', en *Subseciva Groningana* 3, p. 1-10 (reimpr. en Lokin 2010, p. 201-209).
- J.H.A. Lokin (2010), *Analecta Groningana ad ius graeco-romanum pertinentia* (T.E. van Bochove, ed.), Groningen: Chimaira.
- J. de Malafosse (1953), 'Épanagogè', en R. Naz (dir.), *Dictionnaire de Droit Canonique*, V, Paris: Libraire Letouzey et Ané, col. 354-362.
- J.A.B. Mortreuil (1843-1846), *Histoire du droit Byzantin ou du droit Romain dans l'empire d'Orient, depuis la mort de Justinien jusqu'à la prise de Constantinople en 1453*, I-III, Paris (reimpr. Osnabrück: Otto Zeller, 1966)
- L. Palazzini Finetti (1952), *Storia della ricerca delle interpolazioni nel Corpus iuris giustiniano*, Milano: Giuffrè.
- I. Pérez Martín (2002), 'Introducción', a Miguel Atalíates, *Historia*, introd., ed., trad. y com. I. Pérez Martín, Madrid, CSIC.
- P.E. Pieler (1978), 'Byzantinische Rechtsliteratur', en H. Hunger, *Die hochsprachliche profane Literatur der Byzantiner*, II, München: Beck, p. 341-480.
- P.E. Pieler (1989), 'Ανακάθαρσις τῶν παλαιῶν νόμων und makedonische Renaissance', en *SG* 3, p. 61-77.
- E. Quintana Orive (2010), 'El *Hexabiblos* de Harmenopoulos y su recepción en los países del Este de Europa', en *RGDR* 15, p. 1-14 (www.iustel.com).
- C. Radding (1988), *The Origins of Medieval Jurisprudence: Pavia and Bologna, 850-1150*, New Haven et al.: Yale University.
- G.E. Rhodolakis (2007), *Από το Νόμο Ρωδίων στο 53^ο βιβλίο των βασιλικών. Συμβολή στη μελέτη του βυζαντινού ναυτικού δικαίου*, Αθήνα: Ακαδ. Αθηνων.
- H.J. Scheltema (1970), *L'enseignement de droit des antécédents*, Leiden: Brill.
- H.J. Scheltema (1977), 'Das Kommentarverbot Justinians', en *Tijdschrift voor Rechtsgeschiedenis* 45, p. 307-331.
- A. Schminck (1986), *Studien zu mittelbyzantinischen Rechtsbüchern*, Frankfurt am Main: Löwenklau.
- A. Schminck (1990), 'Novellae extravagantes Leons VI', en *Subseciva Groningana* 4, p. 195-209.
- A. Schminck (1999), 'Probleme der sog. Νόμος Ῥωδίων ναυτικός', en E. Chrysos, D.G. Letsios, H.A. Richter & R. Stupperich (eds.),

- Griechenland und das Meer. Beiträge eines Symposiums in Frankfurt im Dezember 1996*, Mannheim – Möhmesee: Bibliopolis, p. 171-178.
- A. Schminck (2005a), 'Bemerkungen zum sog. *Nomos Mosaikos*', en *Fontes Minores* 9, p. 249-268.
- A. Schminck (2005b), 'Der "Nomos Georgikos" und die Rechtspraxis', en *La réponse des jurists et des experts à la pratique du droit. 59^{ème} Session de la Société Internationale Fernand de Visscher pour l'Histoire des Droits de l'Antiquité. Supplementum*, Bochum: Ruhr-Universität Bochum.
- J. Signes Codoñer & F.J. Andrés Santos (2007), *La Introducción al Derecho (Eisagoge) del Patriarca Focio*, Madrid: CSIC.
- J. Signes Codoñer (2005), 'Introducción' a Miguel Pselo, *Vidas de los emperadores de Bizancio*, Madrid: Gredos.
- J. Signes Codoñer (2011), 'Las Novelas de León VI el Sabio', en J.H.A. Lokin & B.H. Stolte (eds.), *Introduzione al diritto bizantino. Da Giustiniano ai Basilici*, Pavia: IUSS Press, p. 267-321.
- B.H. Stolte (2011), 'The Value of the Byzantine Tradition for Textual Criticism of the *Corpus Iuris Civilis*. "Graeca leguntur"', en J.H.A. Lokin & B.H. Stolte (eds.), *Introduzione al diritto bizantino. Da Giustiniano ai Basilici*, Pavia: IUSS, p. 667-680.
- B.H. Stolte & R. Mejerling (eds., 2001), 'The Prooimion of the Eisagoge: Translation and Commentary', en *Subseciva Groningana* 7, p. 91-155.
- Theophili antecessoris Paraphrasis Institutionum*, ed. J.H.A. Lokin et al. (with a translation by A.F. Murison), Groningen: Chimaira, 2010.
- S. Troianos (2011), *Οι πηγές του βυζαντινού δικαίου*, Αθήνα / Κομοτηνή: Σακουλα, 3^a ed.
- H.E. Troje (1971), *Graeca leguntur. Die Aneignung des byzantinischen Rechts und die Entstehung eines humanistischen Corpus iuris civilis in der Jurisprudenz des 16. Jahrhunderts*, Köln – Wien: Böhlau.
- T.E. van Bochove (1996), *To Date and Not to Date. On the Date and Status of Byzantine Law Books*, Groningen: Egbert Forsten.
- T.E. van Bochove (2011), 'Some Byzantine Law Books. Introducing the Continuous Debate Concerning Their Status and Their Date', en J.H.A. Lokin & B.H. Stolte (eds.), *Introduzione al diritto bizantino. Da Giustiniano ai Basilici*, Pavia: IUSS Press, p. 239-266.
- N. Van der Wal & J.H.A. Lokin (1985), *Historiae iuris graeco-romani delineatio. Les sources du droit byzantin de 300 à 1453*, Groningen.
- T. Wallinga (1989), *Tanta/Δέδωκεν: Two Introductory Constitutions to Justinian's Digest*, Groningen: Egbert Forsten.
- G. Weiss (1977), 'Die *Synopsis legum* des Michael Psellos', en *Fontes Minores* 2, p. 147-214.

- L. Wenger (1953), *Die Quellen des römischen Rechts*, Wien: Adolf Holzhausens NFG.
- F. Wieacker (1988), *Römische Rechtsgeschichte*, I, München: Beck.
- F. Wieacker (2006), *Römische Rechtsgeschichte*, II, München: Beck.
- W. Wolska-Lonus (1976), 'Les écoles de Psellos et de Xiphilin sous Constantin IX Monomaque', en *Travaux et Mémoires* 6, pp. 223-243.
- W. Wolska-Lonus (1979), 'L'école de droit et l'enseignement du droit a Byzance au XI^e siècle: Xiphilin et Psellos', en *Travaux et Mémoires* 7, pp. 1-107.
- K.E. Zachariä von Lingenthal (1837), 'Ο Προχαιρος Νόμος. *Imperatorum Basilii, Constantini et Leonis Prochiron*, Heidelberg.
- K.E. Zachariä von Lingenthal (1840), *Reise in den Orient in den Jahren 1837 und 1838*, Heidelberg: J.G.B. Mohr (reimpr. Frankfurt a.M.: Löwenkau 1985).
- K.E. Zachariä von Lingenthal (1892), *Geschichte des griechisch-römischen Rechts*, Berlin, 3^a ed. (reimpr. Aalen: Verlag Scientia, 1955).
- Zepos & P. Zepos (1931), *Jus Graecoromanum*, I-VIII, Athenai: Georgios Fexis & al.

DANIELE BIANCONI

Roma

CONTESTI DI PRODUZIONE E FRUIZIONE DEI MANOSCRITTI GIURIDICI A BISANZIO. QUALCHE ESEMPIO

in ricordo di Konstantinos Pitsakes

1. La storia che qui si intende raccontare è sostanzialmente e semplicemente una storia di libri. L'indagine, cioè, non si addentrerà in problematiche *stricto sensu* giuridiche, che resteranno appannaggio degli esperti del diritto bizantino e dei suoi testi, ma si porrà dalla prospettiva dei vettori materiali di quei testi, al fine di dettagliare alcuni – e solo alcuni – contesti di produzione e fruizione dei manoscritti giuridici a Bisanzio. Non solo: poiché il diritto, in specie quello civile, ha conosciuto differenziazioni, declinazioni e adattamenti in funzione della consuetudine, a sua volta diversa per epoche e territori, i vettori materiali dei testi giuridici risultano connotati, forse più di quanto non avvenga in altri ambiti, di uno specifico carattere di individualità, direi quasi di eccezionalità, che consente (o dovrebbe consentire) di disvelare gli scopi e le finalità – pratiche, didattiche, erudite, ideologiche – per cui ciascuno di quei vettori fu prodotto. Il che – è evidente – trasforma inevitabilmente la nostra storia in una pluralità, quanto mai eterogenea vista la ricchezza di materiali e situazioni, di microstorie.

Tali sono quelle, affatto personali e, anzi, domestiche, che il μέγας κριτής Senatore Maleino registra in uno degli ultimi fogli del *Nomocanone* Vat. gr. 2019 (f. 155v)¹: chiaramente un libro d'uso, uno strumento di lavoro che il giudice calabrese non esita però a trasformare in un libro di famiglia, un 'diario' cui affidare

¹ Basti il rinvio a Turyn 1964, p. 28-34 e tav. 7, e a Cavallo 1987, partic. p. 115-116.

dapprima il ricordo della nascita della figlia Alfarana il 18 aprile 1234, allorché – come specifica con un po' di deformazione professionale l'esperto giudice calabrese – Federico II era imperatore dei Romei, di Sicilia e di Gerusalemme; quindi per registrarvi, subito dopo, che la moglie Guarrera, il 18 settembre dell'anno successivo, aveva messo al mondo un maschietto, Michele, evento che portò in casa una gioia grande ma di breve durata giacché quella sera stessa – scrive Senatore senza spogliarsi degli abiti professionali – 'la mia suddetta congiunta rimise l'anima al Signore e il giorno 19 del suddetto mese fu sepolta [...], avendomi lasciato i suddetti amatissimi figli, Alfarana e Michele: che iddio conceda loro di crescere e farsi grandi e che dia a quella la remissione dai peccati e il riposo nei cori dei giusti'. Con tre croci – retaggio anch'esse, forse, di una pratica giuridica – Senatore chiude la propria saga familiare, così come, nel noto romanzo di Thomas Mann, Hanno, lo sfortunato rampollo dei Buddenbrook, con due semplici tratti di penna segnati sotto il proprio nome marcherà la fine della propria dinastia in un altro libro di famiglia, questa volta una Bibbia².

2. Torniamo da Lubecca a Bisanzio. Punto di partenza e, nel contempo, strumento obbligato e garanzia per la comprensione di tempi, modi, ambienti e circostanze della produzione e della circolazione di libri giuridici non potrà che essere, lo si accennava, lo studio materiale dei libri stessi³. Uno studio, beninteso, che non si limiti alla possibilità, peraltro non sempre agevole e dunque sempre assai meritoria, di agganciare, su base paleografica e magari con il conforto dei testi, della loro recensione o del loro adattamento a una prassi locale, un determinato manoscritto a una determinata area geografica; ma che, soprattutto, si fondi su un'osservazione attenta dei metodi di selezione, delle combinazioni e dell'organizzazione, logica e insieme materiale, degli stessi testi giuridici tra loro ma anche rispetto ad altri e differenti testi, cui tante volte essi risultano associati. E ciò al fine di illustrare, più in generale, presupposti, modalità e finalità della trasmissione

² Per le implicazioni del fenomeno dello scrivere occasionalmente all'interno di libri già scritti e per il parallelo con la Bibbia di casa Buddenbrook, si vedano anche Petrucci 1999, p. 1004 e Magistrale 2008, p. 367-368.

³ Valga, come metodo di lavoro, la raccolta di saggi contenuti in Cavallo 2002.

del sapere giuridico. A quest'ultimo proposito, infatti, anche in virtù di quanto si diceva circa il carattere di 'unicità' di molti manoscritti giuridici, la questione centrale è che spesso i testi del diritto bizantino risultano veicolati da manoscritti miscellanei, omogenei ma anche eterogenei per quanto attiene al contenuto, unitari ma anche compositi sotto il profilo codicologico⁴. Spesso il criterio che ha guidato l'associazione dei testi, all'apparenza combinati insieme senza una logica evidente, è destinato a rimanere nell'ombra; ma, più spesso, un'unità, testuale e/o materiale, illumina le altre e, nel contempo, ne viene illuminata, in un gioco di reciproca funzionalizzazione che molto dice dell'ambiente in cui una miscellanea fu prodotta, delle sue dinamiche di allestimento e degli intenti che ne hanno guidato l'organizzazione.

Si prenda, ad esempio, il Vat. gr. 845, una miscellanea d'ambito giurisprudenziale allestita in Calabria tra lo scorcio del XII secolo e i primi anni del successivo, la quale ha suscitato negli ultimi anni un interessante dibattito. Il codice associa diversi testi giuridici – quali, tra gli altri, il *Prochiron Calabriae*, il *nomos georgikos*, quello *nautikos*, la *Synopsis legum* di Michele Psello, una *Novella* greca di Ruggero II del 1150, numerosi *excerpta* inerenti al diritto di famiglia, di successione, commerciale, agrario e territoriale – ad alcuni lessici, a una collezione breve delle *Menandri sententiae*, alle *gnomai* del Teologo, che, incuneandosi tra i testi giuridici principali, individuano all'interno del manoscritto, altrimenti affatto unitario, 'quattro sezioni contenutisticamente distinte e coese al proprio interno'⁵. Proprio la presenza dei testi sentenziosi accessori ha determinato una 'lettura' diversa per l'interessante cimelio: Rosa Maria Piccione, ad esempio, pur senza escludere un impiego forense del Vat. gr. 845, ne ha sottolineato la funzione formativa, ritenendo che il redattore del codice 'abbia voluto raccogliere materiale giuridico ad uso didattico, semplificandone altresì l'accesso e la comprensione, e corredandolo di uno strumento tecnico di saggezza generale e *περὶ νόμου*, da usare, con

⁴ Sul libro miscelaneo molto si è scritto in questi ultimi anni; tra i titoli più recenti, si vedano Crisci & Pecere 2004, Ronconi 2007, Nyström 2009, Andrist & Canart & Maniaci 2010 e 2013.

⁵ Ronconi 2007, p. 273-289 (p. 279 per la citazione); si veda anche la scheda del manoscritto in Burgmann & Fögen & Schminck & Simon 1995, nr. 230, p. 258-259.

ogni probabilità, con scopo asseverativo nella formulazione degli assunti giuridici⁶; per contro, Filippo Ronconi, che pure non disconosce la possibilità di un uso pratico del codice Vaticano, ha visto in esso, piuttosto, uno strumento di rivendicazione etnica e insieme culturale dell'elemento greco-bizantino in una Calabria ormai completamente 'normannizzata': in quest'ottica, non solo i circa 1400 versi pselliani (in parte dodecasillabi in parte versi politici) astratti da una qualsivoglia applicazione pratica, ma anche le *Menandri sentantiae* e le *Gnomai* del Teologo, rinsanguando un patrimonio di lingua e cultura greca ormai in difficoltà, rappresentavano, nella ex-provincia latinizzata, la 'materializzazione di un 'miraggio': Costantinopoli⁷.

Quale delle due interpretazioni del codice Vaticano si voglia condividere – peraltro l'una non esclude necessariamente l'altra –, esso consente di mettere in luce alcuni aspetti che, in un discorso su produzione e circolazione dei manoscritti giuridici, rappresentano delle costanti (o quasi):

- 1) l'aggregazione a uno o a qualche testo giuridico principale di una galassia di microtesti satelliti che si accumulano, affastellandosi, in coda ai precedenti, secondo procedimenti e dinamiche che sono stati di recente rilevati nella genesi dei codici miscellanei;
- 2) la tensione dialettica, che discende *recta via* dal tipo di aggregazione testuale appena descritto, tra i testi principali, le grandi trattazioni di riferimento, che, per così dire, non potevano mancare pur se spesso risultavano di rara o nessuna consul-

⁶ Piccione 2004, p. 419; finalità utilitaristiche e interessi letterari sarebbero alla base dell'allestimento del codice Vaticano e di alcuni altri manuali giuridici adattati alla prassi dell'Italia meridionale anche per Cavallo 1982, p. 560, secondo il quale (Cavallo 1987, p. 112-113) in libri, come il Vaticano, 'misti di glosse giuridiche e non, o di compilazioni legislative e non, si possono cogliere concretamente certi modi di formazione [...], gestione e trasmissione del sapere giuridico tutta a carattere pratico all'interno di ambienti monastici o ecclesiastici, o a carattere privato se di segno laico [...], in una società nella quale, del resto, i confini tra le due sfere si mostrano assai sfumati'.

⁷ Ronconi 2007, p. 284-289 (p. 288 per la citazione); per la circolazione di testi giuridici bizantini in Italia meridionale si vedano, in generale, Cavallo 1987 e Irigoien 1986; per quanto concerne più precisamente l'età normanna si veda ora anche Rodriquez 2012, p. 630-645.

tazione giacché di rara o nessuna concreta applicazione, e i microtesti, gli *excerpta*, i trattatelli, i rimaneggiamenti ‘accessori’, ai quali era affidato il compito di soddisfare le esigenze quotidiane anche attraverso l’attualizzazione e l’adattamento alla consuetudine dei testi principali e la mediazione tra questi (e la preparazione teorica che erano in grado di fornire) e l’uso pratico del diritto, circostanza che, sola, trasformava i libri giuridici in libri d’uso per la formazione giuridica e l’esercizio del diritto (si potrebbe proporre un parallelo con altri testi di carattere strumentale, quali, tra i numerosi altri – vi ci accennerà anche più oltre –, i *Canones manuales* di Tolomeo, spesso accompagnati da testi accessori, aggiunte e rimaneggiamenti che avevano lo scopo di correggere, completare e adattare Tolomeo alle mutate esigenze e ai diversi scenari in cui si trovò a essere impiegato nei secoli di mezzo)⁸;

- 3) l’urgenza ‘pratica’: questa, propria, più in generale, di tutta la *Gebrauchsliteratur*, era quanto mai viva e pressante per i testi del diritto che si conservano – e, quindi, circolano e si trasmettono – solo se in grado di soddisfare tale urgenza pratica oppure se capaci di ‘reiventarsi’, vale a dire di trovare al proprio interno, magari grazie anche a quella panopia di microtesti accessori che all’occorrenza potevano fornire nel concreto materiale di studio, esercizio e applicazione pratica (non solo della scienza giuridica), altre potenzialità, di suscitare nuovi stimoli, di ispirare differenti letture, che trascendano dalla loro concreta applicazione nella pratica del diritto, peraltro soggetto nel tempo a continui rifacimenti, e che ne assicurino un’utilità per scopi e in contesti nuovi, magari insperati.

S’è appena visto il caso del Vat. gr. 845, nel quale l’ormai ‘giuridicamente inservibile’⁹ *Synopsis legum* pselliana, con il suo corredo sentenzioso da Menandro e dal Teologo, si fa orgoglioso baluardo dell’elemento greco nella Calabria post-bizantina. Ma è vero anche il contrario. Si prenda, ad esempio, il Vat. gr. 903, un testimone dell’*Iliade* largamente palinsesto riferibile alla fine del

⁸ Basti, al momento, Bianconi 2010 e 2012b.

⁹ Ronconi 2007, p. 288.

XII secolo e a un'area sicuramente provinciale che, a quanto l'analisi dei caratteri materiali suggerisce, ha larghe *chances* di essere stata il Mezzogiorno d'Italia (se ne potrebbe forse avanzare una localizzazione 'stretta' alla Terra d'Otranto)¹⁰. Ebbene, una serie delle membrane utilizzate per il testo omerico proviene da due diversi manoscritti dei *Basilici*, entrambi riferibili al X secolo pur se, a mio avviso, non localizzabili, come si è invece cautamente ipotizzato soprattutto per il primo, in Italia meridionale¹¹. In ogni caso, i testimoni dei *Basilici* dovettero comunque circolare se non nel Sud Italia, quanto meno in un'area latamente provinciale dove, per l'appunto, nel XII secolo fecero da supporto al testo omerico. Il loro reimpiego sta però a significare che in provincia essi non dovettero suscitare alcun interesse. E ciò, tutto sommato, non desta meraviglia: come ha scritto Léon-Robert Ménager, i *Basilici* non furono altro che un brillante fuoco d'artificio scoppiato troppo al di sopra delle teste¹². Nessun riflesso o quasi se ne ritrova nella prassi documentale italo-greca e provinciale (anche per ciò ritengo che, a così poca distanza dalle compilazioni dei *Basilici*, nessuno dei due testimoni *inferiores* del X secolo possa essere ascrivito all'Italia meridionale). Qui i *Basilici* non ebbero alcuna applicazione, né pratica né d'altro tipo, nella legislazione dell'Italia bizantina: la loro presenza casuale, priva di un inquadramento e di una giustificazione precisi, non poteva assicurare loro che una sopravvivenza quiescente, latente, culturalmente sterile,

¹⁰ Ringrazio Elisabetta Sciarra per aver messo a mia disposizione una sua scheda ancora inedita del codice e per averne discusso proficuamente con me.

¹¹ Così Cavallo 1987, p. 92 e tavola alla p. 117, nonché Cavallo 1989, p. 617, 619, 622 e tav. 9; contrario a un'origine italogreca delle *membranae* recanti i *Basilici* già Lucà 1990, p. 72 n. 177 e 2007, p. 55 n. 32. Su un altro palinsesto dei *Basilici* pure ricondotto in maniera dubitativa da Cavallo 1987, p. 92-93 all'Italia meridionale, vale a dire l'Ambr. F 106 sup., formato dai *membra* di più manoscritti, tra cui quello recante il cosiddetto *Florilegium Ambrosianum* con frammenti per l'appunto dai *Basilici* e dalle *Novelle* di Leone VI, si veda ultimamente Rodríguez 2010 e 2012 che ne nega l'origine italogreca e ne scova nove ulteriori fogli – insieme a frammenti palinsesti di due altre manoscritti giuridici, uno latino e uno greco (miscellanea giuridica con passi dei *Basilici*, del *Prochiron*, delle *Novelle* di Leone e Costantino e delle *Novellae Constitutiones* di Atanasio) – reimpiegati nel Messan. gr. 158, un altro palinsesto significativamente confezionato da Macario, uno dei copisti reggini attivi nel codice Ambrosiano (*scriptio superior*, ff. 220v-236r). Due altri testimoni palinsesti di età mediobizantina dei *Basilici* sono stati di recente individuati e dettagliatamente studiati da Grusková 2010 (cui segue Stoltz 2010). Un'utile messa a punto sui *Basilici* riesce, infine, il recente Matino 2012.

¹² Ménager 1958, p. 297.

come del resto fu quella garantita dalle *membranae rescriptae* del Vat. gr. 903¹³.

Si accennava, prima, alla circostanza che sotto il profilo contenutistico i manoscritti giuridici sono soliti associare a testi di riferimento o a raccolte di norme provviste di un loro statuto e di una loro fisionomia, anche testuale, ben riconoscibili, una panopia di testi accessori – non sempre e non necessariamente, s'è visto, giuridici – che aggiornavano e completavano i primi e che connotavano di una qualche valenza – usuale, didattica, ideologica etc. – la raccolta così organizzata. Un rapido spoglio dei due volumi finora editi del *Repertorium der Handschriften des byzantinischen Rechts* permette di farsi un'idea abbastanza precisa circa la natura miscelanea dei manoscritti giuridici bizantini¹⁴. Su 327 *item* censiti nel primo volume, i codici 'monotestuali' – per usare una terminologia ora in voga – si contano sulle dita di due mani; tutti gli altri sono 'pluritestuali'¹⁵. Risultati leggermente differenti dà, invece, lo spoglio del secondo volume dedicato ai manoscritti recanti testi di diritto ecclesiastico: alcune raccolte di canoni commentati spesso occupano ciascuna un intero manoscritto e rendono la situazione meno frammentaria. In ogni caso, quanto alle miscellanee, queste sono per lo più omogenee (e, dunque, monotematiche, vale a dire di contenuto totalmente e schiettamente giuridico), ma non mancano le miscellanee disomogenee. L'accorpamento di titoli è spesso ricco e variegato (un caso 'limite' può considerarsi il Genav. gr. 23, del tardo XIV secolo, che annovera ben 162 voci)¹⁶. Certo, non mi sfugge il rischio che la *poikilia* sia piuttosto catalografica e dunque apparente, nel senso che testi registrati nei cataloghi come unità a sé stanti in realtà possono aver circolato in *corpora* o *corpuscula* aventi una propria *facies* testuale: per limitarci a un esempio che tornerà utile più avanti, l'*Hexabiblos* di Costantino Armenopulo è sempre seguita dagli stessi (micro)testi – la *Donatio Constantini*, gli *Officia*

¹³ Rodriquez 2012, p. 640-641 individua forse un interesse in età normanna per i *Basilici* nell'esigenza di legittimare, guardando appunto al diritto bizantino, la sovranità di Ruggero.

¹⁴ Burgmann & Fögen & Schminck & Simon 1995 e Schminck & Getov 2010.

¹⁵ Maniaci 2004, p. 86-90.

¹⁶ Una descrizione del codice in Koder 1991, p. 42-50 e in Burgmann & Fögen & Schminck & Simon 1995, nr. 78, p. 93-99.

palatii et ecclesiae, le *Notitia episcopatum* e l'*Epitome canonum*, il *De fide orthodoxa* e il *De haeresibus* dello stesso Armenopulo –, evidentemente strutturati in un *additamentum* variegato ma coeso, allestito dallo stesso Armenopulo forse anche in un certo lasso di tempo a completamento dell'*Hexabiblos* e che mantiene, almeno nei manoscritti *vetustissimi*, una sua autonomia materiale, giacché segue l'*Hexabiblos* in blocchi (talora unità fascicolari) a sé stanti¹⁷. Sarebbe opportuno, pertanto, procedere a una verifica sulla materialità delle miscellanee giuridiche, al fine di appurare se si tratti di codici mono- o pluriblocco. Esame, quest'ultimo, non altrettanto agevole e dunque da rimandare ad altri o ad altra sede.

Possiamo, però, spendere qui qualche parola sul Laur. Plut. 9.8, una compilazione di diritto canonico con qualche testo di diritto civile, da assegnare al XII secolo (senza escludere l'inizio del successivo) e a un'area senz'altro orientale e, anzi, probabilmente costantinopolitana (piuttosto che all'Italia meridionale come si era pensato)¹⁸. Il codice è stato interamente vergato da una sola mano e non presenta snodi segnalati da fattori materiali; anche la decorazione si mantiene immutata. Esso è dunque unitario sotto ogni profilo. Tuttavia, il ricco catalogo dei 66 testi riversati nel

¹⁷ Così, ad esempio, nel Vat. Ottob. gr. 440, dove il passaggio da un testo al successivo è sempre marcato dall'inizio di un nuovo fascicolo e dalla presenza di un *agraphon*. L'*Hexabiblos*, infatti, con le consuete *Appendici* giunge fino al f. 207r, mentre la successiva *Epitome canonum* inizia solo al f. 209r (arrivando al f. 246r); seguono, quindi, due ultimi fascicoli (in totale ff. 247-263, con presenza intermedia di spazio bianco corrispondente a parte del *recto* di f. 255 e al suo intero *verso*) nei quali si avvicinano i testi di entità più piccola; analoga situazione sembra verificarsi anche nel Marc. gr. 183, nel quale si incontrano due sottoscrizioni, l'una al f. 232v, relativa all'aprile 1359, l'altra, successiva, al f. 290v, relativa a un periodo non ulteriormente specificato dello stesso anno ma senza dubbio anteriore alla fine di agosto: si tratta, quindi, di una porzione provvista di una sua autonomia, tanto da essere stata aggiunta dagli stessi scribi operanti nel codice in un momento (sia pure di poco) successivo, la quale reca, non per caso, la consueta panoplia di *addimenta*. Sul Vat. Ottob. gr. 440 e sul Marc. gr. 183 si veda anche più oltre la seconda parte di questo lavoro. Su questi *addimenta* giuridici di varia natura e, più in generale, sulle raccolte legali tramandate dai manoscritti bizantini, riesce ancora di grande utilità il capitolo consacrato al diritto in Devresse 1954, p. 204-217.

¹⁸ Il codice, nel quale Cavallo 1987, p. 93 individuava cautamente 'qualche sintomo di ambito italiota', è riferito in modo dubitativo all'area cipro-palestinese in Burgmann & Fögen & Schminck & Simon 1995, nr. 61, p. 80-82, pur se non mi sembra possedere alcuno dei caratteri, grafici e materiali, della coeva produzione libraria di quell'area; al XII-XIII secolo riferiscono il codice Eleuteri & Rigo 1993, p. 3.

codice dal copista consente di individuare più sezioni ‘tematiche’, giacché la maggior parte dei testi – in specie quelli brevi o brevissimi che possono occupare anche mezza pagina – risultano aggregati intorno (o, meglio, subito in coda) a pochi testi cardine di riferimento, quali il *Syntagma* in XIV titoli (1r-19v), la *Synagoge* in L titoli (39v-68r) e l'*Ecloga* (333r-349v): fenomeno, questo, ben rilevato da Ronconi nella sua indagine sui codici miscellanei e che ‘deriva spesso dalla riproduzione integrale di antigrafì nei quali a una o a più opere principali tenevano dietro testi minori, riconducibili a riempimenti progressivi dei fogli finali’¹⁹, donde il sospetto, forte, che le diverse sezioni del manoscritto Laurenziano possano derivare dalla trascrizione, su un unico supporto e da parte di un’unica mano, di più modelli.

3. Nella seconda parte di questo intervento vorrei soffermarmi sulla trasmissione dell'*Hexabiblos* di Costantino Armenopulo e, più nel dettaglio, sulla figura di un copista che ha svolto un ruolo importante nella primissima diffusione dell’opera²⁰. È tempo, dunque, di spostarci a Tessalonica dove Costantino Armenopulo nacque, fu attivo, esercitò la professione di giudice e compose la propria trattazione. E dove furono allestiti i più antichi testimoni che la veicolano: il Vat. Ottob. gr. 440, la cui datazione, in ragione della presenza di note ‘d’autore’ relative alla composizione dei vari testi ma non di una vera e propria sottoscrizione, ha dato origine a una vivace dibattito tra gli studiosi, e il Marc. gr. 183, oggettivamente datato al 1359²¹. Quest’ultimo manoscritto è stato copiato da due diverse mani, la seconda delle quali, responsabile

¹⁹ Ronconi 2007, p. 281.

²⁰ Per un inquadramento della figura e dell’opera di Costantino Armenopulo nell’ambito della speculazione e della produzione giuridica bizantina del XIV secolo, si vedano ultimamente Bénou 2011, p. 203-223 e Pitsakis 2012, p. 200-206 con bibliografia (alcune singole voci saranno citate più oltre); per l’ambiente tessalonicense si veda Troianos 2002.

²¹ Sui manoscritti si vedano Verpaux 1963; Pitsakes 1971, p. νγ’-ξα’; Turyn 1972, I, p. 222-229, II, tav. 181-182 e 258a-b (Marc. gr. 183); Mioni 1981, p. 290-292 (Marc. gr. 183); Fögen 1981, p. 263-264 (Vat. Ottob. gr. 440) e 268-275 (sul problema della datazione del codice); Burgmann & Fögen & Schminck & Simon 1995, nr. 300, p. 343 (Marc. gr. 183) e nr. 259, p. 289-290 (Vat. Ottob. gr. 440); Medvedev 2002, p. 215-217, il quale, soprattutto sulla base di questi manoscritti, ha ipotizzato l’esistenza in città di un *ergasterion* specializzato nella trascrizione di opere giuridiche, segnatamente di Armenopulo; Bianconi 2005, p. 160.

nel Marciano degli scolii marginali, della *rubricatio* e della *titulatio* dei testi nonché della loro *distinctio* attraverso un sistema di *incipit* ed *explicit*, si è assunta per intero l'onere della copia nell'Ottoboniano²². Lo scriba utilizza una grafia sciolta e fluida, caratterizzata da *ductus* veloce e da un cospicuo numero di legature, ma non priva di una certa accuratezza e sobrietà, sì da risultare perfettamente inseribile in quella galassia di scritture individuali proprie del XIV secolo, definite per convenzione 'tricliniane' e sovente adottate nelle 'edizioni' dei testi profani (soprattutto classici)²³. Il nostro scriba non fa eccezione: già Alexander Turyn e Ole L. Smith avevano accostato la sua mano a quella responsabile della sezione eschilea (ff. 3-128) del Laur. Plut. 31.8, noto ai filologi come testimone F del tragediografo, donde il nostro scriba – trasformatosi nel frattempo l'accostamento in una salda identificazione – ha ricevuto l'appellativo di *scriba F*²⁴. La collocazione tessalonicese dello *scriba F* – documentata dalla sottoscrizione del Marc. gr. 183 e dalla *facies* tricliniana dell'Eschilo Laurenziano – ha poi trovato ulteriore conferma nell'individuazione della sua mano nel celebre codice P di Euripide, Vat. Pal. gr. 287 + Laur. Conv. Soppr. 172²⁵. A queste attribuzioni altre se ne sono aggiunte in anni più recenti: la prima sezione (ff. 1-149) del Paris. gr. 2461 con gli *Harmonica* di Manuele Briennio e Claudio Tolomeo²⁶; due testimoni platonici, il Paris. gr. 1811 e il Laur. Plut. 80.17²⁷; la raccolta di testi polemici antilatini Marc. gr. 154, che lo *scriba F* ha copiato in collaborazione con due altri scribi tra cui il *copista di Barlaam*, cosiddetto per aver copiato gli opuscoli del teologo nel Vat. gr. 1110, poi postillato *in oras* dallo stesso Barlaam, con il quale copista anonimo lo *scriba F* ha altresì copiato l'Athen. 478, un voluminoso codice di contenuto teologico (per lo più Origene e Teodoro Abu Qurrah), nel quale compaiono pure, nel testo, la mano di un altro scriba e, in alcuni *marginalia*, quella di

²² Attribuzione in Verpaux 1963, p. 228.

²³ Bianconi 2005, p. 216-226.

²⁴ Turyn 1957, p. 296 n. 268 per un primo accostamento e Smith 1982, p. 327 e n. 6 per la piena identificazione. Sullo *scriba F* si vedano, in generale, Pérez Martín 2000, I, p. 325-327, e Bianconi 2005, p. 156-174 e 253.

²⁵ Smith 1982, p. 327.

²⁶ Smith 1992, p. 198 n. 2.

²⁷ Attribuiti rispettivamente da Pérez Martín 2000, I, p. 327 e da Bianconi 2005, p. 168-169.

Giorgio Gennadio Scolario²⁸; il testimone di Elio Aristide Athon. Ivir. 163, con alcuni fogli mancanti da rintracciare nei ff. 37-52 e 55-63 del Paris. Suppl. gr. 655, un volume fattizio di provenienza – almeno per la sezione che qui interessa – athonita e portato in Occidente da Minoide Minas²⁹. Tra le mani dello *scriba F* è inoltre passata la miscellanea astronomica di ambito tricliniano – venne copiata, infatti, da Nicola Tricline e da un altro scriba di nome Giovanni – Laur. Plut. 28.31, il cui *canon regius* di origine tolemaica, copiato da Nicola fino alle indicazioni relative a Leone VI il Saggio (f. 9v), è stato poi completato dal nostro scriba che vi ha aggiunto i nomi dei sovrani successivi, da Alessandro ad Alessio I Comneno, nonché i ‘soprannomi’ e gli eventuali ‘coreggenti’ di alcuni imperatori (ad esempio Costantino VI, Stauracio, l’Armeno per Leone V, il Balbo per Michele II)³⁰.

Questo ricco e variegato *bouquet* di manoscritti – finora allo *scriba F* ne è stata assegnata una dozzina³¹ – permette di delineare la figura, già per altri versi emersa, di un copista-filologo interessato ai testi profani e in specie classici e, come molti intellettuali del suo tempo, non estraneo alle controversie religiose del tempo. Il *coté* giuridico, che qui più importa, sembrerebbe però marginale, quasi il risvolto professionale – e prezzolato – di un’attività condotta altrimenti per passione.

Ma v’è dell’altro. Nel settembre 1344 lo *scriba F* ha vergato una γραφή con la quale il protovestiario Giovanni Duca, assistito da numerosi dignitari di Tessalonica, confermava al monastero di Docheiariou alcuni beni il cui possesso era stato contestato ai monaci athoniti dal censore Cagere³². L’analisi paleografica non lascia dubbi: vi ritroviamo la stessa grafia impiegata dallo *scriba F* nella trascrizione dei libri (dato, quest’ultimo, che a un tale perio-

²⁸ Bianconi 2004, p. 350-351 n. 118, e 2012b, p. 668. Tornerò sull’attribuzione dei *marginalia* a Scolario nel codice di Atene in un prossimo lavoro.

²⁹ Pérez Martín 2000, I, p. 327 (dove il codice è erroneamente citato come Athon. Ivir. 189) e Bianconi 2012b, p. 668-670.

³⁰ Bianconi 2012b, p. 658-668 (le aggiunte dello *scriba F* alle pp. 666-667 e 677).

³¹ A quelli qui ricordati va aggiunto il Plotino Marc. gr. 242 sul quale Fabio Pagani, che vi ha identificato la mano dello *scriba F*, ha in preparazione uno studio.

³² *Actes de Docheiariou*, nr. 23, I, p. 166-172, II, tav. XXVIII-XXIX; attribuzione in Medvedev 2002, p. 219-220 e 225.

do non sorprende ma che merita comunque di essere rilevato)³³. Nel documento, purtroppo, non v'è traccia del nome di chi lo ha scritto; nel *verso* leggiamo: + Ὁ δικαιοφύλαξ τοῦ εὐαγούσ βασιλικοῦ σεκρέτου καὶ σακελλίου τῆς ἀγιωτάτης μητροπόλεως Θεσσαλονίκης Ἰωάννης εὐτελὴς διάκονος ὁ Βρυέννιος + e, subito sotto, + Ἐδέθη (per ἐδόθη) παρ' ἐμοῦ τοῦ δικαιοφύλακος μηνὶ καὶ ἰνδικιώνι τοῖς ἐμπεριειλημμένοις³⁴. Nicolas Oikonomidès, l'editore, considera Giovanni Briennio come il 'rédacteur de l'acte', senza esplicitare, tuttavia, cosa egli intenda per redattore, se cioè il mero scriba o l'autore, per così dire, del testo documentario; e ne propone poi l'identificazione con il Giovanni Briennio che nel 1320 e nel 1324 vergò e firmò due atti per il ταβουλλάριος di Tessalonica Giovanni Strymbakon³⁵. Briennio, al tempo ancora laico, aveva cominciato in quegli anni 'sa carrière comme professeur, mais aussi comme scribe au service du taboullarios de Thessalonique'³⁶; quindi, divenuto diacono e σακελλίου di Tessalonica, ebbe accesso all'ufficio laico del δικαιοφύλαξ e, antipalamita convinto, giocò un ruolo di primo nella resistenza, in città, alla βέβηλος καινοφωνία, a quanto testimonia la sua corrispondenza con Niceforo Gregora e, soprattutto, con Gregorio Acindino, che gli si rivolge addirittura come φίλος καὶ διδάσκαλος καὶ κομδῆ περισπούδαστος³⁷. Il profilo di Briennio calzerebbe a pennello con quello che i manoscritti permettono di ipotizzare per lo scriba F.

³³ *Actes de Docheiariou*, nr. 23, II, tav. XXVIII-XXIX/II.

³⁴ *Actes de Docheiariou*, nr. 23, I, p. 172, l. 1-3, II, tav. XXIX/II.

³⁵ Si tratta dei seguenti documenti: *Actes d'Iviron*, nr. 78, I, p. 251-255 e II, tav. LIV, e *Actes de Chilandar*, I, nr. 97.

³⁶ *Actes de Docheiariou*, nr. 23, I, p. 168.

³⁷ *Actes de Docheiariou*, nr. 23, I, pp. 167 ('Au verso: signature et apostille du rédacteur de l'acte') e p. 168-169; l'espressione βέβηλος καινοφωνία a indicare la dottrina palamitica è adoperata in maniera sistematica e martellante da Gregorio Acindino, che di Briennio fu scolaro: cfr. Nadal Cañellas 1995, p. LXXVIII e Bianconi 2012a, p. 29-30. Briennio figura come destinatario di un'epistola inviatagli da Gregora, nella quale questi chiede informazioni circa una missiva che, per il tramite dello stesso Briennio, aveva cercato di far pervenire a (Tommaso?) Magistro, nonché come mittente di una lettera allo stesso Gregora nella quale si compiaceva con questo per l'invio, assai gradito, di un elogio dell'imperatore Andronico II che aveva suscitato, nella cerchia tessalonicense del σακελλίου, l'ammirazione di tutti (cfr. Guiland 1927, rispettivamente nr. 29, p. 16 e nr. VII, p. 275-276 [e p. 305 su Briennio], e Leone 1982-1983, partic. II, rispettivamente nr. 141, p. 347 e nr. 12, p. 404-405); quanto alla corrispondenza con Acindino, si tratta dell'ep. 58 (cfr. Constantinides Hero 1983, p. 236-238, partic. p. 238, l. 26-27 per le parole qui citate e p. 409-410 per il commentario); si veda anche

Se non che il confronto paleografico tra il *recto* del documento di Docheiariou, vergato dallo *scriba F*, e la firma e la postilla di Briennio contenute nel *verso*, non lascia scampo ed esclude ogni possibile identificazione. Tanto più che nell'atto di Docheiariou del 1344 la mano di Briennio appare immutata rispetto ai due atti degli anni Venti – che effettivamente egli copiò – e che il dettato stesso delle aggiunte operate da Briennio nel *verso* del documento di Docheiariou non autorizza in alcun modo a fare di lui lo *scriba* dell'atto: quest'ultimo, infatti, fu 'emesso' (ἐδόθη) non scritto (ἐγράφη) da Briennio³⁸. Sfuma, dunque, almeno per ora, la possibilità di dare un nome allo *scriba F*.

Qui, però, interessava delineare la sua personalità e, soprattutto, dettagliare l'ambiente nel quale l'*Hexabiblos* di Armenopulo si trovò a circolare a ridosso della sua stessa composizione. Un ambiente, è evidente, fatto di funzionari, giudici, dignitari legati alla Chiesa metropolitana cittadina, dove alla composizione e alla trascrizione di testi giuridici e di documenti si accompagnavano la lettura, lo studio e la copia di testi profani e, soprattutto, classici, da intendersi, probabilmente, come collante al tempo stesso sociale e culturale di una classe dirigente cui non faceva difetto nemmeno l'impegno nelle polemiche religiose del tempo. Per limitarci alla realtà tessalonicese, qualcosa di analogo troviamo già – qualche tempo dopo la riconquista della città ad opera di Giovanni III Vatatzes e poi nella prima età paleologa – con la figura di Giovanni Pediasimo Poto e la sua cerchia di funzionari e dignitari locali – vi furono attivi, tra gli altri, Giorgio Forbeno e Demetrio Beasco –, dove risultano coniugati insieme interessi giuridici (sia Pediasimo che Forbeno composero scritti giuridici), gestione pratica del diritto e letture erudite³⁹. Di recente peraltro Inmaculada Pérez Martín ha proposto di riconoscere la mano di Pediasimo nei margini di una manciata di manoscritti, per lo più di contenuto scientifico⁴⁰, ai quali aggiungerei volentieri il Vat. gr. 2326, una miscellanea astronomica in parte esemplata sul celebre

Bianconi 2005, p. 75-77. L'identificazione avanzata da Oikonomidès impone di unificare le voci nr. 3253 e nr. 3256 in Trapp 1977.

³⁸ Così anche Medvedev 2002, p. 220.

³⁹ Constantinides 1982, p. 116-128 e 1992, p. 142-146, e Bianconi 2005, p. 60-72.

⁴⁰ Pérez Martín 2010.

Vat. gr. 1594 della ‘collezione filosofica’ del quale reca il grande scolio che incornicia il testo dei *Prolegomena* all’*Almagesto* nei fogli iniziali⁴¹. E ancora, tra XIV e XV secolo, poco prima della caduta della città in mano turca il 29 marzo 1430, grazie alla penna satirica e deformante di Giovanni Argiropulo sappiamo di un certo Catablatta che fu dapprima allievo della scuola di diritto di Costantino Ivanco, quindi insegnante lui stesso, uomo di lettere e giudice del tribunale di Tessalonica⁴².

Ma la contiguità tra ambienti di studio e di esercizio del diritto non fu una prerogativa della sola Tessalonica né, più in generale, di Bisanzio in età tarda. Augurandomi che il salto, certo ardito, non paia eccessivo, mi volgerei indietro, per concludere, alla Bisanzio d’età giustinianea. Qui – ormai è certo – vide la luce il celebre codice Laurenziano delle *Pandette*, le cui parti in latino furono copiate in onciale *BR*, quelle in greco con una sorta di ibrido grafico: una *koinè* greco-latina nella quale risultano improntati a modelli latini le aste incurvantisi in basso verso destra, il chiaroscuro proprio dell’onziale, il *beta* in forma di *b* minuscola con l’aggiunta di un apice che funge da pancia superiore, il *delta* e il *pi* in forma di *d* ed *n* minuscole⁴³. Una scrittura, è ben noto, impiegata in Oriente soprattutto per la copia di testi giuridici, ma che servì altresì, talora insieme alla stessa onciale *BR* di applicazione giuridica, per confezionare testi grammaticali, per lo più glossari, bilingui, per postillare, nei margini e nell’interlinea, un codice di Giovenale (P.Ant. s.n.), e per allestire il PSI I 10, un codice di papiro frammentario recante versi dell’*Iliade*, frutto, evidentemente, di quello stesso *milieu* a forte contaminazione sociale nel quale convivevano interessi giuridici e letterari e che vantava, tra i suoi tratti distintivi, il sicuro possesso di una elegante stilizzazione grafica⁴⁴.

⁴¹ Sul Vat. gr. 1594 e sulla cosiddetta ‘collezione filosofica’ si veda, ora, Ronconi 2012a che discute l’unitarietà del gruppo; sul Vat. gr. 2326 e sul suo rapporto con il Vat. gr. 1594 rimando ad Acerbi 2010, p. 314-315, 320 e 364. Ringrazio Fabio Acerbi, con il quale abbiamo intenzione di dedicare uno studio al Vat. gr. 2326, per aver attirato la mia attenzione su questo manoscritto e per avermi permesso di anticipare in questa sede l’attribuzione dei *marginalia* a Pediasimo.

⁴² Canivet & Oikonomidès 1982-1983, p. 11.

⁴³ Si vedano Cavallo & Manfredi 1975, p. 47-50, e Cavallo & Magistrale 1987, p. 101-103, dove tuttavia il cimelio non è assegnato a Costantinopoli.

⁴⁴ I materiali qui ricordati, in specie quelli giuridici, sono stati di recente nuovamente censiti ed esaminati da Ammirati 2010, p. 90-94 e 95-97, saggio al quale

4. Nel tirare le fila di questo discorso, si possono formulare alcune considerazioni da intendersi non certo come conclusive né generali – del resto, si è qui offerta una proposta di lettura per alcune delle tante microstorie che i libri giuridici bizantini possono offrire – ma, piuttosto, come ipotesi e nel contempo auspicio di ulteriori, più approfondite e sistematiche, indagini.

Innanzitutto, il carattere pratico dei libri giuridici (soprattutto miscellanei) e l'esigenza concreta che ne guidava l'allestimento da parte di compilatori o copisti che, trovandosi talora a esercitare il diritto a gradi diversi, si sentivano liberi di agire modellando quei libri a immagine propria e/o del proprio *milieu* di riferimento, fanno sì che per i libri giuridici, esattamente come per altri libri d'uso strumentale (si pensi, ad esempio, alle grammatiche o alle raccolte tecnico-scientifiche), non si possa prescindere da un'indagine materiale che ne chiarisca strutturazione e articolazione. Tuttavia, lo studio codicologico rappresenta solo un primo, ancorché imprescindibile, momento, cui occorre affiancare un'indagine rivolta alla storia dei testi – storia che tante volte proprio lo studio dei caratteri materiali e grafici dei vettori può aiutare a chiarire, in specie se, come nel caso del diritto, la tradizione manoscritta presenta una *facies* particolarmente variegata e singolarmente connotata – e dei contesti socio-culturali nei quali di volta in volta si avvertì l'esigenza di disporre non soltanto di determinati testi, ma anche (e soprattutto) di disporne in *quel* preciso modo (interpolato, epitomato, compendiato, accresciuto, commentato...) veicolato da *quel* preciso testimone. Solo ove si coniughino questi approcci tra loro differenti ma complementari, si potrà arrivare a una lettura criticamente storica dell'intero fenomeno. Certo, dapprima ci si dovrà limitare a un solo testimone (o a un solo gruppo di testimoni) e, quindi, accontentare di qualche microstoria; ma lo sforzo paziente di indagini sempre più accurate e scandagli sempre più incisivi sulla produzione di

si rimanda anche per la bibliografia pregressa (in aggiunta alle voci citate alla nota precedente) pure inerente all'origine delle *Pandette Fiorentine* (p. 86-88). Sono altresì convinto che fu in questo stesso ambiente che tra il 526 e il 527 Flavio Teodoro allestì l'edizione dell'*Ars* di Prisciano, la quale, proprio come le *Pandette Fiorentine* delle quali rappresentava una sorta di '*pendant* sul piano della sistematizzazione della tradizione linguistica' (così De Nonno 2009, p. 263), doveva essere scritta in onciale *BR* per le parti in latino e nella stessa *koine* greco-latina qui in oggetto per i *graeca*: Bianconi 2014.

libri giuridici non mancherà – si può essere certi – di disvelare orizzonti più ampi. Tanto più che alcune costanti di lunga durata sembrano già emergere.

Si pensi, ad esempio, all'associazione, anche qui più volte rimarcata, tra 'diritto' e 'grammatica', la quale si realizza non solo attraverso la presenza invero scontata di microtesti grammaticali a corredo di trattazioni giuridiche (o viceversa) o la comune e generica etichetta di *Gebrauchsliteratur* (e, quindi, di *Gebrauchsbuch*), ma può talora prevedere anche la condivisione, da parte di libri giuridici e grammaticali, di maniere di allestimento e di trascrizione, di caratteri fisici e grafici, di ambiti di circolazione, lettura, destinazione⁴⁵. Si tratta di un legame che percorre l'intera storia millenaria di Bisanzio ma di cui si possono cogliere – e solo lo studio materiale delle testimonianze manoscritte consente di farlo – sfaccettature e declinazioni diverse per epoche e contesti: se, ad esempio, l'associazione tra libri del diritto e libri di grammatica rimanda, nella Costantinopoli d'età giustiniana, alle esigenze della penetrazione della lingua, della scrittura e della letteratura latine nell'Oriente greco – fenomeno di sicuro interesse, ma di modesta durata, che visse proprio al tempo di Giustiniano la sua ultima, sebbene più fulgida, stagione –, la stessa associazione in Italia meridionale sembra piuttosto correlata all'esigenza di mantenere in vita l'elemento greco, in specie a seguito della latinizzazione della società bizantina operata dalla conquista normanna che proprio in quell'elemento greco ricercava la propria legittimazione culturale e giuridica, mentre nell'Oriente bizantino, dove la conoscenza del greco non era certo in discussione e dove ai testi grammaticali si devono dunque sostituire i 'classici', si trattava piuttosto di rivendicare l'appartenenza a un'*élite* sociale e intellettuale.

Bibliografia

- F. Acerbi (2010), *Il silenzio delle sirene. La matematica greca antica*, Roma: Carocci Editore.
Actes de Chilandar, I. *Actes grecs*, L. Petit & B. Korablev (publ. par, 1911),

⁴⁵ Si vedano, ad esempio, Lucà 2012, p. 568-569 e n. 40, Ronconi 2012b e, per l'età più antica, Bianconi 2014.

- St. Petersburg: Tipografiis Imper. Akademii nauk (Actes de l'Athos, 5. Byzantina Chronika, 17/1) (= *Vizantiiski Vremmenik*, 17) (rist. anast. Amsterdam 1975).
- Actes de Docheiariou*, N. Oikonomidès (éd. par, 1984), I-II, Paris: P. Lethielleux (Archives de l'Athos, 13).
- Actes d'Iviron*, III. De 1204 à 1328, J. Lefort & N. Oikonomidès & D. Papachryssanthou & V. Kravari (éd. par, avec la collaboration d'Hé. Métrévéli, 1994), I-II, Paris: P. Lethielleux (Archives de l'Athos, 18).
- S. Ammirati (2010), *Per una storia del libro latino antico. Osservazioni paleografiche, bibliologiche e codicologiche sui manoscritti latini di argomento legale dalle origini alla tarda antichità*, in *The Journal of Juristic Papyrology*, 40, p. 55-110.
- P. Andrist & P. Canart & M. Maniaci (2010), *L'analyse structurelle du codex, clef de sa genèse et de son histoire*, in A. Bravo García & I. Pérez Martín (ed., with the Assistance of J. Signes Codoñer), *The Legacy of Bernard de Montfaucon: Three Hundred Years of Studies on Greek Handwriting. Proceedings of the Seventh International Colloquium of Greek Palaeography* (Madrid-Salamanca, 15-20 September 2008), I-II, Turnhout: Brepols (Bibliologia, 31A-B), I, p. 289-299.
- P. Andrist & P. Canart & M. Maniaci (2013), *La syntaxe du codex. Essai de codicologie structurale*, Turnhout: Brepols (Bibliologia, 34).
- L. Bénou (2011), *Pour une nouvelle histoire du droit byzantin. Théorie et pratique juridiques au XIV^e siècle*, Paris: Association Pierre Belon (Textes, Documents, Études sur le Monde Byzantin, Néohellénique et Balkanique, 11).
- D. Bianconi (2004), *Libri e mani. Sulla formazione di alcune miscellanee dell'età dei Paleologi*, in Crisci & Pecere 2004, p. 311-363.
- D. Bianconi (2005), *Tessalonica nell'età dei Paleologi. Le pratiche intellettuali nel riflesso della cultura scritta*, Paris: École des Hautes Études en Sciences Sociales (Dossiers Byzantins, 5).
- D. Bianconi (2010), *Il Laur. Plut. 28.26 ovvero la storia di Bisanzio nella storia di un codice*, in M. D'Agostino & P. Degni (ed.), *Alethes philia. Studi in onore di Giancarlo Prato*, I-II, Spoleto: Centro Italiano di Studi sull'Alto Medioevo (Collectanea, 23), I, p. 39-63.
- D. Bianconi (2012a), *Dire e contraddire. Committenti, autori e pubblico nella letteratura delle controversie religiose (due esempi dal XIV secolo)*, in Odorico 2012, p. 23-40.
- D. Bianconi (2012b), *Sull'identificazione della mano di Nicola Tricline e su altre mani nel Laur. Plut. 28.31*, in P. Cherubini e G. Nicolaj (ed.), *Sit liber gratus, quem servulus est operatus. Studi in onore di Alessandro Pratesi per il suo 90° compleanno*, I-II, Città del Vaticano: Scuola

- Vaticana di Paleografia, Diplomatica e Archivistica (Littera Antiqua, 19), I, p. 655-677.
- D. Bianconi (2014), *Alle origini dei Graeca di Prisciano. Il contesto culturale, codicologico e paleografico*, in L. Martorelli (ed.), *Greco antico nell'Occidente carolingio: frammenti di testi attici nell'Ars di Prisciano*. Atti del Seminario Internazionale. Sapienza Università di Roma, 20-21 settembre 2012, Weidmann: G. Olms, p. 319-339.
- L. Burgmann & M.-Th. Fögen & A. Schminck & D. Simon (1995), *Repertorium der Handschriften des byzantinischen Rechts*, I. *Die Handschriften des weltlichen Rechts* (Nr. 1-327), Frankfurt am Main: Löwenklau-Gesellschaft (Forschungen zur Byzantinischen Rechtsgeschichte, 20).
- P. Canivet & N. Oikonomidès (1982-1983), [*Jean Argyropoulos*], *La comédie de Katablattas. Invective byzantine du XV^e s. Edition, traduction et commentaire*, in *Διπτυχα*, 3, p. 5-97.
- G. Cavallo (1982), *La cultura italo-greca nella produzione libraria*, in G. Pugliese Carratelli (ed.), *I Bizantini in Italia*, Milano: Libri Scheiwiller, p. 495-612.
- G. Cavallo (1987), *La circolazione di testi giuridici in lingua greca nel Mezzogiorno medievale*, in M. Bellomo (ed.), *Suole, diritto e società nel Mezzogiorno medievale d'Italia*, II, Catania: Tringale (Studi e Ricerche dei Quaderni Catanesi, 8), p. 87-136.
- G. Cavallo (1989), *Lo specchio omerico*, in *Mélanges de l'École Française de Rome. Moyen Âge*, 101, p. 609-627.
- G. Cavallo (2002), *Dalla parte del libro. Storie di trasmissione dei classici*, Urbino: QuattroVenti (Ludus Philologiae, 10).
- G. Cavallo & F. Magistrale (1987), *Libri e scritture del diritto nell'età di Giustiniano*, in *Index*, 15 (= *Hommage à Gérard Boulvert*), p. 97-110.
- G. Cavallo & M. Manfredi (1975), *Proposte metodologiche per una nuova raccolta di facsimili di manoscritti greci letterari*, in *Proceedings of the XIV International Congress of Papyrologists*. Oxford, 24-31 July 1974, London: Published for the British Academy by the Egypt Exploration Society (Egypt Exploration Society. Graeco-Roman Memoirs, 61), p. 47-58.
- C.N. Constantinides (1982), *Higher Education in Byzantium in the Thirteenth and Early Fourteenth Centuries (1204-ca.1310)*, Nicosia: Cyprus Research Centre (Texts and Studies of the History of Cyprus, 11).
- C.N. Constantinides (1992), *Οι απαρχές της πνευματικής ακμής στη Θεσσαλονίκη κατά τον 14^ο αιώνα*, in *Δωδώνη*, 21, p. 133-150.
- A. Constantinides Hero (ed. by, 1983), *Letters of Gregory Akindynos*, Washington, D.C.: Dumbarton Oaks Research Library and Col-

- lection (*Corpus Fontium Historiae Byzantinae. Series Washingtonensis*, 21).
- E. Crisci & O. Pecere (ed., 2004), *Il codice miscellaneo. Tipologie e funzioni*. Atti del Convegno Internazionale. Cassino, 14-17 maggio 2003, Cassino: Università degli Studi di Cassino (= *Segno e Testo*, 2).
- G. De Gregorio & M. Galante (ed., 2012), *La produzione scritta tecnica e scientifica nel Medioevo: libro e documento tra scuole e professioni*. Atti del Convegno internazionale di studio dell'Associazione italiana dei Paleografi e Diplomatisti. Fisciano-Salerno (28-30 settembre 2009), Spoleto: Centro Italiano di Studi sull'Alto Medioevo (Studi e Ricerche, 5).
- M. De Nonno (2009), *Ars Prisciani Caesariensis: problemi di tipologia e di composizione*, in M. Baratin & B. Colombat & L. Holtz (ed.), *Priscien. Transmission et refondation de la grammaire. De l'antiquité aux modernes*, Turnhout: Brepols (*Studia Artistarum*, 21), p. 249-278.
- R. Devresse (1954), *Introduction à l'étude des manuscrits grecs*, Paris: Imprimerie Nationale-Klincksieck.
- P. Eleuteri & A. Rigo (1993), *Eretici, dissidenti, musulmani ed ebrei a Bisanzio. Una raccolta eresilogica del XII secolo*, Venezia: Il Cardo.
- M. Th. Fögen (1981), *Die Scholien zur Hexabiblos im Codex vetustissimus Vaticanus Ottobonianus gr. 440*, in D. Simon (ed.), *Fontes Minores IV*, Frankfurt am Main: Löwenklau-Gesellschaft (*Forschungen zur Byzantinischen Rechtsgeschichte*, 7), p. 256-345.
- Chr. Gastgeber (ed., 2010), *Quellen zur byzantinischen Rechtspraxis. Aspekte der Textüberlieferung, Paläographie und Diplomatik*. Akten des internationalen Symposiums. Wien, 5.-7. 11. 2007, Wien: Österreichische Akademie der Wissenschaften (Österreichische Akademie der Wissenschaften. Philosophisch-historische Klasse. Denkschriften, 413. Veröffentlichungen zur Byzanzforschung, 25).
- J. Grusková (2010), *Zwei neue Basiliken-Handschriften in der Österreichischen Nationalbibliothek I: Paläographisch-kodikologische Analyse*, in Gastgeber 2010, p. 106-138 e p. 153-182 (tav. I-XXX).
- R. Guiland (éd. par, 1927), *Correspondance de Nicéphore Grégoras*, Paris: Les Belles Lettres.
- J. Irigoin (1986), *Notes sur la tradition juridique byzantine dans l'Italie méridionale*, in *Ἀφιέρωμα στὸν Νίκο Σβορώνο*, I, Rethymno: Panepistemion Kretes, p. 162-165 (rist. in J. Irigoin, *La tradition des textes grecs. Pour une critique historique*, Paris, Les Belles Lettres, 2003, nr. 37, p. 593-598).
- J. Koder (ed., 1991), *Das Eparchenbuch Leons des Weisen*, Wien: Österreichische Akademie der Wissenschaften (*Corpus Fontium Historiae Byzantinae. Series Vindobonensis*, 33).

- P.A.M. Leone (ed., 1982-1983), *Nicephori Gregorae Epistulae*, I-II, Matino: Tipografia di Matino.
- S. Lucà (1990), *Il Diodoro Siculo Neap. B. N. gr. 4* è italogreco?*, in *Bollettino della Badia Greca di Grottaferrata*, n.s., 44, p. 33-79.
- S. Lucà (2007), *Note per la storia della cultura greca della Calabria medioevale*, in *Archivio Storico per la Calabria e la Lucania*, 74, p. 43-101.
- S. Lucà (2012), *Testi medici e tecnico-scientifici del Mezzogiorno greco*, in De Gregorio & Galante 2012, p. 551-605.
- F. Magistrale (2008), *Custodi della memoria: le note avventizie dei manoscritti Vat. lat. 10510 e 10511 (ex Bibbie di Bovino)*, in D. Bianconi & L. Del Corso (ed.), *Oltre la scrittura. Variazioni sul tema per Guglielmo Cavallo*, Paris: École des Hautes Études en Sciences Sociales (Dossiers Byzantins, 8), p. 305-368.
- M. Maniaci (2004), *Il codice greco 'non unitario'. Tipologie e terminologia*, in Crisci & Pecere 2004, p. 75-107.
- G. Matino (2012), *Lex et scientia iuris. Aspetti della letteratura giuridica in lingua greca*, Napoli: D'Auria Editore (Studi e Testi di Koinonia, 3).
- I.P. Medvedev (2002), *Ὑπῆρχε στη Θεσσαλονίκη ένα εργαστήριο αντιγραφῆς νομικῶν χειρογράφων τὸ 14^ο αἰῶνα;*, in *Ἡ Μακεδονία κατὰ τὴν ἐποχὴ τῶν Παλαιολόγων*. Β' Συμπόσιο. Θεσσαλονίκη 14-20 Δεκεμβρίου 1992, Thessalonike: Aristotelio Panepistemio Thessalonikes, p. 215-229.
- L.-R. Ménager (1958), *Notes sur les codifications byzantines et l'Occident*, in *Varia. Études de droit romain*, III, Paris: Sirey (Publications de l'Institut de Droit Romain de l'Université de Paris, 16), p. 293-303.
- E. Mioni (1971), *Bibliothecae Divi Marci Venetiarum Codices Graeci Manuscripti*, I. *Thesaurus Antiquus Codices 1-299*, Roma: Istituto Poligrafico dello Stato (Indici e Cataloghi. Nuova Serie VI).
- J. Nadal Cañellas (ed., 1995), *Gregorii Acindini Refutationes duae operis Gregorii Palamae cui titulus Dialogus inter Orthodoxum et Barlaamitam*, Turnhout-Louvain: Brepols-University Press (Corpus Christianorum. Series Graeca, 31).
- E. Nyström (2009), *Containing Multitudes. Codex Upsaliensis Graecus 8 in Perspective*, Uppsala: Uppsala Universitet (Acta Universitatis Upsaliensis. Studia Byzantina Upsaliensia, 11).
- P. Odorico (ed., 2012), *La face cachée de la littérature byzantine. Le texte en tant que message immédiat*. Actes du colloque international. Paris, 5-6-7 juin 2008, Paris: École des Hautes Études en Sciences Sociales (Dossiers Byzantins, 12).
- I. Pérez Martín (2000), *El 'estilo salonicense': un modo de escribir en la Salónica del siglo XIV*, in G. Prato (ed.), *I manoscritti greci tra riflessione*

- e dibattito*. Atti del V Colloquio Internazionale di Paleografia Greca (Cremona, 4-10 ottobre 1998), I-III, Firenze: Gonnelli (Papyrologica Florentina, 31), I, p. 311-331 e II, p. 211-217 (tav. 1-5).
- I. Pérez Martín (2010), *L'écriture de l'hypatos Jean Pothos Pédiasimos d'après ses scholies aux Elementa d'Euclide*, in *Scriptorium*, 64, p. 109-119.
- A. Petrucci (1999), *Spazi di scrittura e scritte avventizie nel libro altomedievale*, in *Ideologie e pratiche del reimpiego nell'alto medioevo*. 16-21 aprile 1998, Spoleto: Centro Italiano di Studi sull'Alto Medioevo (Settimane di Studio del Centro Italiano di Studi sull'Alto Medioevo, 46), p. 981-1010.
- R.M. Piccione (2004), *Forme di trasmissione della letteratura sentenziosa*, in M.S. Funghi (ed.), *Aspetti di letteratura gnomica nel mondo antico*, II, Firenze: L.S. Olschki (Accademia Toscana di Scienze e Lettere La Colombaria. Studi, 225), p. 403-441.
- K.G. Pitsakes (ed., 1971), *Κωνσταντίνου Ἀρμενοπούλου Πρόχειρον Νόμων ἢ Ἐξάβιβλος*, Athenai: s.n. (Βυζαντινὰ καὶ Νεοελληνικά Κείμενα, 1).
- C.G. Pitsakis (2012), *Les querelles hésychastes et les juristes byzantins des XIV^e-XV^e siècles*, in *Νέα Πώμη*, 9 (= *Χρόνος συνήγορος. Mélanges André Guillou*, II. Études réunies par L. Bénou et C. Rognoni), p. 189-210.
- M.T. Rodriguez (2010), *Un «nuovo» palinsesto dei Basilici*, in *Νέα Πώμη*, 7 (= *Ἐξεμπλον. Studi in onore di Irmgard Hutter*, II), p. 73-95.
- M.T. Rodriguez (2012), *Riflessioni sui palinsesti giuridici dell'area dello Stretto*, in A. Rigo & A. Babuin & M. Trizio (ed.), *Vie per Bisanzio*. VIII Congresso Nazionale dell'Associazione Italiana di Studi Bizantini. Venezia, 25-28 novembre 2009, I-II, Bari: Edizioni di Pagina, II, p. 625-645.
- F. Ronconi (2007), *I manoscritti greci miscellanei. Ricerche su esemplari dei secoli IX-XII*, Spoleto: Centro Italiano di Studi sull'Alto Medioevo (Testi, Studi, Strumenti, 21).
- F. Ronconi (2012a), *La collection brisée. La face cachée de la «collection philosophique»: les milieux socioculturels*, in *Odorico* 2012, p. 137-166.
- F. Ronconi (2012b), *Quelle grammaire à Byzance? La circulation des textes grammaticaux et son reflet dans les manuscrits*, in *De Gregorio & Galante* 2012, p. 63-110.
- A. Schminck & D. Getov (2010), *Repertorium der Handschriften des byzantinischen Rechts*, II. *Die Handschriften des kirchlichen Rechts I* (Nr. 328-427), Frankfurt am Main: Löwenklau-Gesellschaft (Forschungen zur Byzantinischen Rechtsgeschichte, 28).

- O.L. Smith (1982), *On the Scribal Hands in the Ms P of Euripides*, in *Mnemosyne*, s. IV, 35, p. 326–331.
- O.L. Smith (1992), *Tricliniana II*, in *Classica & Mediaevalia*, 43, p. 187–229.
- B.H. Stolte (2010), *Zwei neue Basiliken-Handschriften in der Österreichischen Nationalbibliothek II: Rechtshistorische Analyse*, in *Gastgeber* 2010, p. 139–151.
- E. Trapp (ed., 1977), *Prosopographisches Lexikon der Palaiologenzeit*, 2, Wien: Österreichische Akademie der Wissenschaften (Österreichische Akademie der Wissenschaften. Veröffentlichungen der Kommission für Byzantinistik, I/2).
- Sp. Troianos (2002), *Οι δικαϊκὲς σπουδὲς στὴ Μακεδονία κατὰ τὸν δέκατο τετάρτο αἰῶνα*, in *Ἡ Μακεδονία κατὰ τὴν ἐποχὴ τῶν Παλαιολόγων*. Β' Συμποσίο. Θεσσαλονίκη 14–20 Δεκεμβρίου 1992, Thessalonike: Aristotelio Panepistemio Thessalonikes, p. 231–238.
- A. Turyn (1957), *The Byzantine Manuscript Tradition of the Tragedies of Euripides*, Urbana: University of Illinois Press (Illinois Studies in Language and Literature, 43).
- A. Turyn (1964), *Codices Graeci Vaticani saeculis XIII et XIV scripti annorumque notis instructi*, in *Civitate Vaticana: ex Bibliotheca Apostolica Vaticana*.
- A. Turyn (1972), *Dated Greek Manuscripts of the Thirteenth and Fourteenth Centuries in the Libraries of Italy*, I–II, Urbana-Chicago-London: University of Illinois Press.
- J. Verpaux (1963), *Un témoin de choix des oeuvres de Constantin Harménopoulos: le Vaticanus Ottobonianus gr. 440*, in *Revue des Études Byzantines*, 21, p. 221–231.

TRASMISSIONE DEL TESTO E GIURISPRUDENZA BIZANTINA: LA TUTELA PRETORIA DA DIG. 9.2 A BAS. 60.3 – PROFILI DOGMATICI*

1. In precedenti studi ho avuto occasione di occuparmi di alcuni profili relativi all'elaborazione della giurisprudenza bizantina in materia di danno ingiusto¹, ossia di 'responsabilità aquiliana' – dal testo normativo che vi ha dato origine – definita dalla dottrina moderna come 'responsabilità extracontrattuale'².

* Desidero dedicare queste indagini, che si svilupperanno in più contributi (v. oltre, ntt. 73 e 99), al Prof. Dr. Berthold Kupisch, emerito dell'Universität Münster (Westf.), nella felice ricorrenza del Suo ottantesimo compleanno. Il testo riflette la relazione tenuta al Convegno di Madrid (2-4 febbraio 2012) con l'aggiunta dell'apparato critico (assai contenuto per rispetto dei limiti imposti dall'editore). Il presente studio si inserisce nei progetti FFI2009-07963 (Análisis histórico y lexicográfico de textos jurídicos de época macedonia en Bizancio) e FFI2012-37908-C02-01 (El autor bizantino).

¹ V. Miglietta 2010-2011, p. 347 ss., e Miglietta 2012, passim: a questi lavori rinvio (anche) per bibl. Per altri profili v. Miglietta 2001, p. 242 e s., 369 e ss. (in particolare), e Miglietta 2004, p. 221 ss.

² La tutela avverso il *damnum iniuria datum* era disciplinata dalla *lex Aquilia*, 287-286 a.C. (ma v., ora, Franciosi 2007, p. 946 ss. – la quale propone un arco temporale che va dal 210 al 180 a.C. – nonché Serrao 2009, p. 561 ss., che ritiene di poter fissare il termine per il 211-210 a.C., acuta proposta che, tuttavia, non riesce a convincermi completamente). Si trattava, in realtà, di un plebiscito – e non già di una *lex rogata* – che le fonti indicano essere stato costituito da tre norme fondamentali (*tria capita legis*): cfr. Gai. 3.210, 3.215, 3.217; D. 9.2.2 pr. (Gai. 7 ad ed. prov., 183); D. 9.2.1, D. 9.2.3 pr., D. 9.2.27.4, D. 9.2.27.5 (Ulp. 18 ad ed., 612-613, 622-623); PT. 4.3.15 (ed. Lokin 2010, 772-6); Sch. 1 ad B. 60.3.1 (BS 3090-6 = Hb. V, 263): intorno a queste ultime v. Miglietta 2012, p. 408 e ss. In generale rinvio a Rotondi 1922b, p. 465 e ss.; Albanese 1960, p. 110 e s.; Albanese 1970, p. 50 e ss.; Hausmaninger 1996, passim; Lazzarini 1998, p. 289 e ss.; de Robertis 2000-2002, passim; Valditara 2004, p. 173 e ss.; Valditara 2005, passim; Miglietta 2007a, e, ancora, Corbino 2008, passim.

Riprendendo l'argomento, sotto l'ulteriore prospettiva d'indagine relativa alla cosiddetta 'tutela pretoria', l'indicazione di alcune annotazioni introduttive non parrà ridondante, poiché rivolte a chi, non essendo specialista della materia, non sia affatto tenuto ad averne puntuale conoscenza³.

La *lex Aquilia de damno 'iniuria' dato* – ossia provocato '*contra ius*', con dolo o per colpa, in assenza di cause di giustificazione (quali legittima difesa, stato di necessità, esercizio di un diritto, adempimento di un dovere) – attribuiva tutela processuale al proprietario del bene leso attraverso la concessione di un'*actio directa*, sia nell'ipotesi in cui fosse stato ucciso o ferito uno schiavo o un quadrupede-pecude di sua proprietà, ovvero in quella in cui egli avesse subito una frode qualificata al patrimonio⁴, ovvero ancora, quando, con comportamenti corrispondenti ad *urere*, *frangere*, *rumpere* (che Gaio unificherà nel segno *corrumpere*, quale onni-comprendensiva declinazione dei tre verbi)⁵ un qualunque bene di sua proprietà fosse stato deteriorato⁶.

Nell'ipotesi della *servi-quadrupedis occisio*, se convinto del fatto, il responsabile sarebbe stato condannato al 'maggior valore' (*quanti plurimi*) che la *res* aveva rivestito nell'anno precedente l'uccisione; nel secondo caso (*fraudolenta adceptilatio*), al valore del credito perduto; nel terzo caso (*corruptio*) nel (maggior)⁷ valore raggiunto dalla cosa nei trenta giorni precedenti l'evento lesivo.

Contro colui che avesse negato la propria responsabilità, e del quale fosse stata ugualmente accertata in sede processuale la colpevolezza, si sarebbe prodotto l'effetto del raddoppiamento della *condemnatio*, in virtù della *infinitatio*⁸, sanzione propria e tipica delle

³ Per un commento sistematico del testo della *lex Aquilia* v., e.g., Hausmaninger 1996, Valditara 1996 e, ora, Corbino 2008.

⁴ Nella forma della *fraudolenta adceptilatio* perpetrata dall'*adstipulator* in suo danno: cfr. Gai 3.215-216. Ma il punto, in questa sede, può essere omissis; v., tuttavia, Miglietta 2012, p. 421 e ss.

⁵ Cfr. Gai 3.217, in modo particolare nei tratti *si quid enim ustum aut ruptum aut fractum fuerit... quamquam potuerit sola rupti appellatio... sufficere... quod quoquo modo corruptum est*.

⁶ V. la ricostruzione del testo in Crawford 1996, p. 723 ss.

⁷ La sottolineatura, attuata per mezzo dell'isolamento del termine 'maggior' (*quanti plurimi*, nelle fonti in materia), è dovuta alla notizia tradata da Gai 3.218, che riporta una soluzione di Sabino risultata dirimente su opposte *opiniones*.

⁸ Cfr. Paul. Sent. 1.19.

actiones mixtae (ossia con pari natura risarcitoria ed afflittiva), a cui l'*actio legis Aquiliae* apparteneva⁹.

Quest'ultima era, infine, 'nossale'. Quando il danno fosse stato causato da un *filius familias* o da uno schiavo, infatti, il *pater* o, rispettivamente, il *dominus* avrebbero potuto accettare il rischio di subire la condanna – ove si fossero determinati a resistere all'azione intentata dal danneggiato – ovvero liberarsi dalla responsabilità (va da sé, indiretta, poiché per fatto altrui) 'abbandonando' semplicemente il figlio o il servo delinquente alla vittima dell'illecito¹⁰.

2. Accanto alla tutela 'diretta', che scaturiva *iure civili* dal plebiscito aquiliano¹¹, anche l'attività del pretore aveva tessuto una rete di strumenti di difesa processuale originata dalla propria *iurisdictio*, quale manifestazione dei poteri di *corrigere, supplere, adiuvare* il *ius civile*¹².

Questo avveniva, in primo luogo, attraverso la concessione di *actiones utiles* – azioni modellate attraverso la modificazione della formula tipizzata su quelle del *ius civile* e concesse rispetto a fattispecie che pareva opportuno dotare di difesa, nonostante in esse risultassero assenti alcuni requisiti di natura soggettiva implicati dalla *lex Aquilia*¹³. In particolare ciò avveniva per tutelare coloro

⁹ Cfr. Gai 4.9; cfr. anche I. 4.6.16.

¹⁰ Così Talamanca 1990a, p. 99 s. e 619. Lo schiavo diveniva proprietà dell'offeso, il quale poteva esercitare su di esso qualsiasi facoltà (compresa la soppressione anche a titolo di vendetta), mentre il *filius* acquistava la posizione di persona *in causa mancipi*, ossia cadeva in condizione paraservile, avendo la possibilità di difendersi in proprio al fine di evitare la *ductio*. Anche i profili della *noxae deditio* consentono di confermare le idee portanti di un lavoro, ancora pregevole quanto valido, di Castello 2002, p. 3 ss. (con bibliografia a p. 7-8 nt. 7; e v. anche p. 134 ss.), intorno ad elementi sostanziali di equiparazione tra *filii* e *servi* all'interno della *familia* (si noti, infatti, il termine derivato da *famulus*, ossia servo o schiavo, probabilmente fluì dall'osco *famel* - *fameria*: v. Franciosi 1989, p. 25 e ss.).

¹¹ V., da ultimo, Serrao 2009, passim.

¹² Cfr. D. 1.1.7.1 (Pap. 2 def., 46). Quanto all'esercizio di tali facoltà, deve essersi trattato di una sorta di autoattribuzione da parte dei vari pretori, poiché Papiniano afferma che furono gli stessi che *introduxerunt* tale *ius*, giustificati dalla *publica utilitas*, coincidente con la necessità di rendere il *ius (civile)* adeguato alle mutevoli esigenze della realtà. Da ultimo v. Scevola 2012, p. 380 s. e nt. 6, senza particolari novità.

¹³ Cfr. Lenel 1927, p. 198 ss., e v. già Ferrini 1905, p. 293 (secondo il quale l'«azione utile comprende[va] tanto l'azione fittizia, l'azione con scambio di soggetti, l'azione con opportune modificazioni della formula-tipo»), e, più recentemente, Gröschler 2002, p. 28 ss.; Corbino 2008, p. 112, 145 ss., 196 s.; Gröschler 2011, p. 31 ss.

che non fossero proprietari (infatti, di per sé, *legis autem Aquiliae actio ero competit, hoc est domino*)¹⁴, e purtuttavia titolari di un diritto sulla cosa che imponesse, per ragioni di giustizia sostanziale (*equitas*), qualche forma di difesa processuale. Alludo con questo alla posizione degli usuari e, soprattutto, degli usufruttuari, insomma ai titolari di diritti reali parziari¹⁵. Discorso più delicato, invece, si dovrebbe fare per quanto concerne il possessore di buona fede e per il creditore pignoratizio. A questo proposito, così afferma

D. 9.2.17 (Ulp. 18 ad ed., 615)¹⁶: Si dominus servum suum occiderit, bonae fidei possessori vel ei qui pignori accepit in factum actione tenebitur.

Il caso è singolare, poiché Ulpiano ritiene che l'*actio in factum* possa essere concessa (addirittura) contro il proprietario dello schiavo che l'abbia ucciso, a favore del possessore o del creditore pignoratizio del medesimo – poiché questi ultimi vedono ingiustamente frustrate, rispettivamente, la disponibilità del bene ovvero la garanzia del credito. Si noti, tuttavia, che il giurista severiano non tratta della concessione dell'*actio utilis*, che sarebbe parsa, come vedremo, dogmaticamente più coerente. A questo riguardo, tuttavia, le fonti bizantine – di cui ci dobbiamo occupare – paiono lasciar emergere qualche segnale di insofferenza. Se, infatti, i *libri Basilicorum* si adeguano, quasi alla lettera¹⁷, al tenore di D. 9.2.17 in

B. 60.3.17 (BT. 2754-15 = Hb.V, 280): 'Ulpī. 'Εὰν ὁ δεσπότης τὸν ἴδιον δοῦλον φονεύσῃ, κινεῖ κατ' αὐτοῦ τὴν ἱμφακτοῦμ ὁ καλῇ πίστει νομεὺς καὶ ὁ λαβὼν αὐτὸν εἰς ἐνέχυρον

per contro gli σχόλια che vi aderiscono affermano che, in tale ipotesi, può essere esperita l'*actio legis Aquiliae* oppure l'*actio pignoratitia*. Si veda, infatti, lo

¹⁴ Così D. 9.2.11.6 (Ulp. 18 ad ed., 614).

¹⁵ V., ora, Gröschler 2002, p. 28 e ss.; Corbino 2007, p. 1 e ss.; Gröschler 2011, p. 31 e ss. (con bibliografia).

¹⁶ L'ultima indicazione numerica relativa ai frammenti del Digesto identifica la loro posizione all'interno della 'Palingenesia iuris civilis' (Lenel 1889, I-II).

¹⁷ La differenza fondamentale – ma in sé considerata, irrilevante – è data dal mutamento della forma passiva del brano ulpiano (*dominus... tenebitur*), a quella attiva di B. 60.3.17 (κινεῖ κατ' αὐτοῦ... ὁ καλῇ πίστει νομεὺς καὶ..., et rell.).

Sch. 5* ad B. *eod.* (BS. 3112-6 = Sch. 1 cpv., Hb.V, 280): Ἐσθ' ὅτε καὶ ὁ δεσπότης ἐνάγεται τῷ Ἀκουίλιῳ ἥτοι τῇ ἱμφάκτῃ. Ἐὰν γάρ τις τὸν ἴδιον οἰκέτην ἀνέλῃ, δύναται ὁ βοναφίδε νεμόμενος αὐτὸν ἢ ὁ ἔχων αὐτὸν εἰς ἐνέχυρον τὸν Ἀκουίλιον ἥτοι τὴν πιγνερατικίαν κινεῖν.

Questa testimonianza, che sembrerebbe appartenere a giuristi della generazione più antica¹⁸, manifesta lo smarrimento, in materia, della scienza giuridica bizantina. All'affermazione che, talora, il proprietario della cosa danneggiata possa essere convenuto con l'*Aquilia directa*, ovvero con l'*actio in factum*, segue l'esempio che è tratto da D. 9.2.17, ma si conclude con la previsione di un singolare concorso alternativo tra l'*Aquilia* (che il passo del Digesto non contempla)¹⁹, e l'azione a tutela del creditore pignoratizio, la quale sostituisce l'originaria *actio in factum*.

Un secondo commento rileva che il creditore pignoratizio può agire con la tutela diretta ma contro i terzi – poiché deve essere considerato alla stregua di proprietario²⁰, mentre non è legittimato a ciò avverso il *dominus rei*, il quale conserva, a riguardo della medesima, un 'diritto più ampio'²¹, sebbene – come si deve dedurre – 'indisponibile', fino a quando la *res* costituisca garanzia reale:

Sch. 4 ad B. *eod.* (BS. 3112-3 = Hb.V, 280): Κατὰ μὲν γὰρ ἄλλου παντὸς κινεῖ τὸν δίρεκτον ὡς τρόπον τινὰ καὶ αὐτὸς δεσπότης ὢν· κατὰ δὲ τοῦ δεσπότης οὐ δύναται τοῦτο ποιεῖν ὡς αὐτοῦ πλείον τι δίκαιον ἐπὶ τῷ πράγματι ἔχοντος αὐτῷ.

¹⁸ Questo in virtù dell'uso di termini tecnici traslitterati, e non esellenizzati, quali ὁ βοναφίδε νεμόμενος e τὴν πιγνερατικίαν κινεῖν: cfr. Ferrini 1888-1889, p. 232; Ferrini 1930, p. 436 (del resto, il passo di B. 60.3.17, più tardo, adotta invece la forma ὁ καλῇ πίστει νομεύς). Si noti, infatti, che Heimbach 1833-1870, VI ('Manuale Basilicorum'), p. 243, attribuisce il commento a Doroteo (anche se non è affatto certo che si tratti di questo *antecessor* – v., per tutti, Brandsma 1996, p. 70 e ss., 278 e ss. – e non, invece, di Stefano: cfr. Zachariae von Lingenthal 1844, p. 825; cfr., sul punto, Miglietta 2012, p. 410-411 nt. 23).

¹⁹ Il concetto è ribadito anche nella *adnotatio* di Sch. 3 ad B. *eod.* (BS. 3112-1 = Hb.V, 280): Σημειώσαι, ὅτι καὶ κατὰ δεσπότην ὁ Ἀκουίλιος δίδεται· καὶ ζήτει βιβ. νη'. τιτ. κγ'. κεφ. ιγ'. Il testo è tardivo (rinviando, infatti, a B. 58.23.13, che, peraltro, come talora avviene, è luogo non pertinente).

²⁰ Ὡς τρόπον τινὰ καὶ αὐτὸς δεσπότης ὢν.

²¹ Πλείον τι δίκαιον... ἔχοντος: si tratta di una chiara allusione al *dominium*.

Il problema rappresentato dallo scolio consiste nella concessione dell'azione 'diretta' a colui che non sia *dominus* – che, non essendo tale, dovrebbe, per contro, godere della tutela in via utile. Per questo motivo, all'interno del ragionamento svolto dall'anonimo giurista, l'azione '*directa*' incontra un limite alla sua esperibilità nei confronti del vero proprietario.

Il dato si confonde ulteriormente laddove – senza costituire affatto un ἄπαξ λεγόμενον, ma corrispondendo ad una commistione frequente nelle fonti bizantine – si opera un'equiparazione tra *actio in factum* e *actio utilis*, in virtù della circostanza che lo *scholium* appena di séguito riportato risulta sicuramente²² essere riferito alle parole τὴν ἰμφακτοῦμ di B. 60.3.17²³:

Sch. 7§ ad B. *eod.* (BS. 3112-10 = Sch. 2, Hb.V, 280): τὴν ἰμφακτοῦμ]²⁴ Τὸν οὐτίλιον Ἀκουίλιον [...].

Per tornare alla trattazione generale, a riguardo della tipologia di azioni che il pretore si sarebbe ulteriormente riservato di concedere, nella valutazione discrezionale che gli competeva, per approntare rapida risposta anche nelle ipotesi in cui si potesse ritenere che, nonostante l'assenza di altri requisiti (materiali), fosse 'equo' risarcire (almeno) la perdita economica conseguente al fatto lesivo, egli avrebbe potuto operare la *datio* di *actiones in factum*²⁵. In quest'ultimo caso, la tutela del danneggiato era attuata per mezzo della creazione di strumenti di tutela giurisdizionale 'modellati' sulla fattispecie concreta e immediata.

3. Un primo esempio – alquanto controverso in dottrina, ma illuminante, per la sua risalenza cronologica – si rinviene all'interno della giurisprudenza tardorepubblicana. Si tratta di una limpida manifestazione dell'abilità, unica e forse ineguagliabile dovuta a

²² Cfr. BT. 2754, 'Scholia', ad lin. 16 (ad v. τὴν [ἰμφακτοῦμ]) e Hb.V, 280 (ad v. τὴν ἰμφακτοῦμ).

²³ Per quanto riguarda l'ipotizzata mancata distinzione tra le due tipologie di azioni, già in epoca postclassica, essa è stata giustificata quale conseguenza della scomparsa del processo formulare: cfr., in particolare, Selb 1984, p. 729.

²⁴ Così Hb.V, 280: cfr. nt. 22.

²⁵ V. Ferrini 1905, p. 293, e, da ultimo, Gröschel 2011, passim. Danno prova di ciò anche le fonti bizantine: cfr., ad esempio, Sch. 7* ad B. 60.3.2.2 (BS 3091-29 = Sch. 5* cpv., Hb.V, 264): [...] ἰμφακτοῦμ δέ ἐστιν ἡ τὸ ἀκαινοτόμητον ποιούσα, οὐ μὴν ποινολύζουσα. A conferma del principio, v. Sch. 32 ad B. 60.3.23.8 (BS. 3116-21 = Sch. 30, Hb.V, 285): [ὁ Ἀκουίλιος] ὡς ποινάλιος..., et rell.

Publio Alfeno Varo²⁶ di riferire il caso con tale naturale immediatezza di rappresentazione e (apparente) spontaneità di linguaggio, da avvincere il lettore²⁷:

D. 19.5.23 (Alf. 3 dig. a Paul. epit., 56): Duo secundum Tiberim cum ambularent, alter eorum, qui secum ambulabat, rogatus anulum ostendit, ut respiceret: illi excidit anulus et in Tiberim devolutus est. Respondit posse agi cum eo in factum actione.

Nonostante la singolare semplicità del dettato, e l'apparente evanescenza della fattispecie, il breve testo è stato oggetto di ampia attenzione da parte della dottrina. Il problema principale sollevato dalla lettura di D. 19.5.23 è legato alla concessione di un'*actio in factum*: *respondit posse agi cum eo in factum actione*. Questa è stata considerata indicativa di una (originaria) *actio praescriptis verbis* – e, di conseguenza, si è reputato, con qualche posizione incerta, che il frammento trattasse di materia contrattuale²⁸, ovvero, alternativamente, di un'azione decretale concessa dal pretore in ordine ad un'ipotesi di responsabilità aquiliana. Diversamente, altri profili possono essere tralasciati, non ultimo quello interpolazionistico, nonché quello relativo ad una supposta (ma erronea) assimilazione tra il caso descritto da Alfeno e quello racchiuso in D. 9.2.27.21²⁹.

²⁶ Giurista operante tra la fine della repubblica e l'inizio del principato, *auditor* di Servio Sulpicio Rufo: v. Miglietta 2010, p. 10-12 nt. 8.

²⁷ Cfr. Ferrini 1891, p. 3, Ferrini 1929, p. 170-171; Arangio-Ruiz 1957, p. 128: quest'ultimo afferma che i testi alfeniani sono in grado di «incatenare l'attenzione del lettore»; Biscardi 1968, p. 234.V. anche Miglietta 2010, p. 199 nt. 301 (con bibliografia).

²⁸ V. Biondi 1953, p. 111 e s.; Barton 1974, p. 18; MacCormack 1985, p. 30 e s.; Kranjc 1989, p. 449, 458 e 466 (il cui parere potrebbe essere stato indotto dalle scelte giustinianee: poiché per i Compilatori l'*actio in factum* sarebbe stata un'*actio praescriptis verbis* – v. De Francisci 1913-1916, I, p. 300 e s. e Rotondi 1922a, p. 453 – costoro avrebbero inserito il frammento nell'omologo titolo delle Pandette; v., sul punto, Biscardi 1968, p. 235). Secondo tale impostazione v. ancora Artner 2002, p. 66 e ss. (con il deciso rilievo critico di Gröschler 2007, p. 531: «Noch kein Fall einer Klage mit *praescripta verba* ist in Alf. D. 19,5,23 zu sehen»).

²⁹ D. 9.2.27.21 (Ulp. 18 ad ed., 624): Si quis de manu mihi nummos excusserit, Sabinus existimat damni iniuriae esse actionem, si ita perierint, ne ad aliquem pervenirent, puta si in flumen vel in mare vel in cloacam ceciderunt: quod si ad aliquem pervenerunt, ope consilio furtum factum agendum, quod et antiquis placuit. Idem etiam in factum dari posse actionem. Cfr. Floria Hidalgo 1991, p. 100-102, e, sulla stessa linea di pensiero, Amaya Garcia 1993, p. 33-34 (il

Dal confronto tra D. 19.5.23 e D. 9.2.27.21 emerge, in realtà, che si è in presenza di fattispecie ben distinte, e i verbi *excudere*, da un lato, e *rogare* – *ostendere* – *respicere*, dall'altro, lo dimostrano in modo difficilmente controvertibile. La coincidenza del perimento delle monete, o dell'anello, nel fiume, o in altro luogo, in modo che risultino 'irrecuperabili'³⁰, non è che un dato fattuale, secondario rispetto all'*animus* che caratterizza l'agire dei rispettivi responsabili.

Affermare che «se trata probablemente de dos versiones de un mismo caso»³¹ si risolve in un azzardo che non ha possibilità di prevalere rispetto ad una serena esegesi dei testi coinvolti dalla discussione. A questo proposito pare sufficiente richiamare l'argomento schierato da Artner, il quale così si esprime: «der Sachverhalt in D. 19, 5, 23 unterscheidet sich von dem Fall des Sabinus in D. 9, 2, 27, 21 auch dadurch, daß der Eigentümer des Ringes diesen freiwillig aus der Hand gibt und er ihm nicht – wie es mit den Münzen in D. 9, 2, 27, 21 geschieht – aus des Hand geschlagen wird»³².

Il caso narrato da Alfeno è, come già osservato, assai suggestivo. Sembra addirittura di poterlo ripercorrere con gli occhi della mente. Una passeggiata lungo il Tevere di due *cives romani*. Uno di questi porta al dito un anello, che il compagno chiede di mostrargli. Il proprietario del gioiello se lo sfila, e lo porge all'altro, al quale il prezioso monile sfugge di mano, con una conclusione icastica, che fa rientrare la pagina tra quelle della migliore tradizione letteraria latina: ... *et in Tiberim devolutus est*³³.

quale manifesta addirittura stupore circa il fatto che Huvelin 1815, I, p. 393, 656 e 799, Albanese 1953, p. 80 nt. 9 e La Rosa 1990, p. 89 e ss., non abbiano trattato 'congiuntamente' dei due frammenti in questione!).

³⁰ Albanese 1950, p. 82, ritiene si trattasse di un'*actio in factum ad exemplum legis Aquiliae*. Si veda, tuttavia, quanto osservato oltre, in ordine a Sch. 62 ad B. 60.3.27.21 [BS. 3128-13 = Sch. 64 Hb.V, 294].

³¹ V. Floria Hidalgo 1991, p. 100.

³² Così efficacemente Artner 2002, p. 69 nt. 15.

³³ Non mancano altri casi in cui Alfeno riesce a tratteggiare in termini essenziali, ma ugualmente esaustivi, una certa situazione, facendo intuire al lettore la realtà delle cose, senza necessità di procedere ad una minuta descrizione dei fatti. Si veda, a puro titolo esemplificativo, D. 8.5.17.2 (Alf. 2 dig., 4): *Secundum cuius parietem vicinus sterculinum fecerat, ex quo paries madescibat*... In questo caso, il giurista per mezzo della forma verbale '*madescibat*' riesce a comunicare cosa accade, e, soprattutto, che l'azione lesiva non si è ancora spenta, ma che l'inumidirsi del muro è in atto. Le fonti bizantine, per contro, sembrano aver

A questo riguardo, come già anticipato, i moderni si sono chiesti – non senza qualche oscillazione³⁴ – se non fosse insorto tra i due soggetti un rapporto di natura convenzionale (che avrebbe portato, dunque, alla concessione di un'*actio praescriptis verbis*, qui ancora definita *in factum*), al punto che si è suggerita, quale ipotesi di lavoro, che avesse potuto costituire da modello la figura del comodato, in ragione del fatto che, verso l'anno 70 a.C., il suo «schema giuridico» era «ancora in via d'elaborazione»³⁵.

Bisogna riconoscere che la supposizione non è priva di acume. Tuttavia, in merito, sembra essere vincente – poiché dotata di molta concretezza – l'eccezione di chi ha osservato che è esperienza comune, nel corso di un viaggio o di una escursione, consegnare o ricevere in consegna un oggetto al fine di ammirarlo. Tuttavia, in questa ipotesi, «nessuno ha peraltro pensato, così facendo, di concludere un negozio»³⁶. Questo giudizio, del resto, risponde assai bene alla descrizione del *casus* presentata da Alfeno, dove il 'fatto' (*ostendere...*) e la 'causa' (*... ut respiceret*) non legittimano a richiamare alcuna natura convenzionale.

A favore di questa soluzione parrebbe militare, inoltre, un argomento di natura palinogenetica. La collocazione di D. 19.5.23 all'interno del libro terzo dei *digesta* epitomati da Paolo, non lascerebbe spazio al riferimento al *damnum iniuria datum*³⁷, con-

perduto questo elemento: B. 58.5.17 [BT. 2641-11 = B. 58.5.17, Hb.V, 199], usa-
no semplicemente la forma καὶ ὑγρᾶν αὐτόν – ossia τὸν τοίχόν μου). Allo stesso
modo, ancora, D. 9.1.5 (Alf. 2 dig., 6): Agaso cum in taberna equum deduceret,
mulam equus olfecit..., lascia intravedere, con molto tatto, l'attenzione di
tipo sessuale (De Sarlo 1940, p. 117, parla di 'molestia arrecata dal cavallo'), che
l'*equus* ha manifestato nei confronti della mula, e che è stata causa dell'incidente
che ne è seguito – ossia la frattura del femore dello stalliere: anzi, a ben vedere,
l'intera costruzione è icastica e ritmicamente cadenzata in tre versi eptasilabici:
equus mulam olfecit – mula calcem reiecit – crus agasoni fregit). Sch. 1 ad B. 60.2.5 (BS
3089-15 = Hb.V, 262) – attribuito all'Ἰνδιξ di Doroteo (cfr. Heimbach 1833-
1870, VI ['Manuale Basilicorum'], p. 242 – ma v. sopra, nt. 18) osserva, non senza
acume: ... τὸ ὁφρανθῆναι [...] κατὰ φύσιν γὰρ ἔπεται τοῖς ζώοις.

³⁴V. già Meylan 1919, p. 94; incerto Kaser 1984, p. 99 nt. 444 (e cfr. Talamanca 1990b, p. 80 nonché Burdese 1992, p. 201).

³⁵Cfr. Talamanca 1990b, p. 80 e nt. 176. Secondo Cannata 1971, p. 83 n. 19, invece, il testo configurerebbe un caso «di *culpa* in una condotta atipica» e l'*actio in factum* andrebbe ricondotta «all'accordo (*inspicendum dare*)»: si veda già Voci 1946, p. 242 e 247.

³⁶V. Gallo 1992-1995, I, p. 236-237 nt. 195.

³⁷Cfr. Talamanca 1990b, p. 80 nt. 175.

tribuendo, quindi, a rafforzare la tesi della natura negoziale del rapporto instaurato tra i due protagonisti della vicenda.

Il libro di questo giurista, infatti, secondo la restituzione proposta dal Lenel, tratterebbe, nell'ordine³⁸, '*de hereditatis petitione*' (D. 5.4.9, 48), '*de rei vindicatione*' (D. 6.1.58, 49), dell'*actio 'pro socio*' (D. 10.3.27, 50. D. 17.2.71, 51), '*de emptione et venditione*' (D. 18.6 §§ 13 e 15, 52; D. 19.1.27, 53), '*de locatione et conductione*' (D. 19.2.30, 54; D. 14.2.7, 55), '*de in factum actionibus*'³⁹ (appunto D. 19.5.23, 56), e, finalmente, '*de dotibus*' (D. 23.4.19, 57; D. 23.5.8, 58; D. 24.1.38, 59)⁴⁰.

Il segno di dubbio, opportunamente inserito dallo Studioso tedesco proprio con riguardo al frammento analizzato, permette, per contro, di ipotizzare che quest'ultimo potesse essere stato inserito dopo la trattazione '*de rei vindicatione*', intendendosi il riferimento alla *lex Aquilia* come operato ad uno tra gli strumenti offerti a difesa della proprietà. Questa soluzione, infatti, risponde meglio alla scansione delle rubriche secondo l'ordine del cosiddetto *edictum perpetuum*⁴¹, che Paolo aveva presente nel distribuire i singoli *responsa* di Alfeno⁴².

Potremmo avere avuto, allora, la seguente e diversa successione degli argomenti trattati: '*de hereditatis petitione*', '*de rei vindicatione*', '*de Lege Aquilia*' (in relazione alla tutela pretoria, o,

³⁸ V. Lenel 1889, I, c. 47-49.

³⁹ Il segno di dubbio, giustificato, è posto dallo stesso Lenel 1889, I, c. 49.

⁴⁰ Quanto all'ultimo frammento del libro, D. 33.10.6, *60, Lenel 1889, I, c. 49 nt. 3, osserva: «Fr. 59 [in realtà 60] videtur esse libri II. (de suppellectile legata)».

⁴¹ Cfr. Lenel 1927, p. xvi e ss. ('Übersicht des Edikts'), e p. xviii, in particolare; Cerami 1995, p. 104 e s.

⁴² Si consideri, infatti, la successione dei libri dei *digesta Alfeni a Paulo epitomata*, delle relative rubriche (proposte, con fondamento, dal Lenel) e la scansione dell'Editto perpetuo, che trovano larghi momenti di contatto in termini di evoluzione ordinata: liber I (?); lib. II: *de testamentis et legatis* > cfr. E. 65; *de usu fructu legato* (e cfr. E. 72); *de servitute legata* ? (e cfr. E. 73); *de instrumentum legato* – ibid. ?; *de peculio legato* – ibid. ?; lib. III: *de hereditate petitione* > ancora E. 65; *de rei vindicatione* > cfr. E. 69; *pro socio* > cfr. E. 109; *de emptione et venditione* > cfr. E. 110; *de locatione et conductione* – cfr. E. 111; **de in factum actionibus* ?*; *de dotibus* > cfr. E. 113; lib. IV: *de legibus mancipi et venditionibus* ? [...]; liber V: *de servitutibus* ?; *de furtis et onere averso* > cfr. E. 128; lib. VI: ?; lib. VII (abest); lib. VIII: *de legatis* > cfr. E. 170. Dove i testi corrispondono si nota il sostanziale susseguirsi dei temi edituali. Le varianti potrebbero essere dovute (oltre alle ragioni ipotizzate da Lenel 1889, I, c. 47 nt. 2, 49 nt. 3 e 51 nt. 1) a quanto sostenuto da Schulz 1968, p. 366, ossia che «Paolo evidentemente seguiva l'ordine di Alfeno», il quale si può ritenere si rifacesse allo schema edituale, come allora formalizzato.

più probabilmente, nell'unico frammento superstite dell'epitome paolina che tratta di tutela decretale in materia di danneggiamento), *de actione 'pro socio'*, *'de emptione et venditione'*, *'de locatione et conductione'*, e *'de dotibus'*⁴³.

Tutto questo premesso⁴⁴, il frammento salvato in D. 19.5.23 potrebbe essere ricondotto alla tematica più appropriata: quella della materia degli illeciti. Date, allora, le premesse di fatto (e secondo la dogmatica tradizionale)⁴⁵, dovrebbe essere concessa un'*actio in factum*⁴⁶, non essendovi i presupposti né per un'*actio utilis*, né, a maggior ragione, per l'*actio directa legis Aquilia*⁴⁷. Ad una meditata interpretazione dei fatti emerge, infatti, che dubbio è il profilo della *culpa*, e che altrettanto incerto è il dato della distruzione della *res*.

Intanto la fonte informa del fatto che l'anello 'è scivolato di mano' a colui che ne aveva richiesta l'ostensione: l'uso del verbo *excidere*, di per sé, non evoca un profilo di *iniuria*, inteso quale *culpa*. L'essere l'oggetto 'sfuggito' a colui che lo aveva ricevuto non costituisce ancora prova della negligenza di quest'ultimo⁴⁸.

In subordine, anche qualora si volesse accedere alla soluzione opposta, si dovrebbe pur sempre riconoscere che si è trattato di una *culpa* assai lieve, e, com'è noto – anche senza voler insistere sulle ipotesi interpolazionistiche⁴⁹ – l'incidenza della *culpa levissi-*

⁴³ È necessario osservare che la scansione ipotizzata è frutto, in ogni caso, della sistematica adottata da Paolo nel procedere alla raccolta dei *responsa* alfeniani. Ma questa considerazione non priva l'ipotesi di ragionevolezza. Anzi, da un certo punto di vista la rafforza, poiché riflette lo schema adottato in epoca severiana, con quella particolare sistemazione dogmatica del *damnum iniuria datum*, che influenzerà anche i Compilatori nell'inserimento del plebiscito aquiliano in D. 9.2 (v. ancora Cerami 1995, p. 104 e s.).

⁴⁴ E sfuggito a Barton 1974, p. 18, che accoglie, invece, la scansione leneliana (senza, tuttavia, porsi alcun interrogativo circa il segno di dubbio che Lenel ha inserito: v. supra, nt. 39). Cfr. anche Archi 1980, p. 13: lo Studioso afferma che, in quello stesso libro alfeniano, «almeno stando al Lenel, si trattavano anche i *iudicia bonae fidei*». V. già Rotondi 1922a, p. 453.

⁴⁵ V., tuttavia, più oltre, §§ 5 e ss.

⁴⁶ Ritenuta da numerosi studiosi quale 'estensione' dell'*actio legis Aquiliae*. Cfr. Lawson 1950, p. 22 ss.; Thomas 1968, p. 3; Selb 1984, p. 731; Burdese 1985, p. 19; Nörr 1986, p. 136 e s., 150 e s.; *contra*, tuttavia, Rotondi 1922a, p. 453.

⁴⁷ Cfr. Watson 1966, p. 174 (nt. 2); Molnár 1989-1990, p. 589; Gröschler 2002, p. 25 nt. 39.

⁴⁸ Si veda anche quanto osservato appena oltre, con riferimento a B. 20.4.23 (BT. 1013-1 = Hb. II, 383).

⁴⁹ V. Arangio Ruiz 1933, p. 232 e ss.; Jörs 1935, p. 180 nt. 10, il quale contesta

ma è oggetto di una testimonianza molto tarda rispetto all'epoca di scrittura da parte di Alfeno (e fatta salva l'eventualità che questo concetto non vada, comunque, interpretato in senso restrittivo)⁵⁰.

In ogni caso è, però, necessario considerare che, nel caso di specie, difetta pur sempre l'elemento della 'distruzione' della cosa, ossia della sua *corruptio*⁵¹. Come già era stato notato, «l'anello era perduto, ma non aveva subito alcun danneggiamento»⁵². Non è, pertanto, condivisibile – poiché contrario alla realtà delle cose – il giudizio di chi ha reputato che l'*actio in factum* fosse stata concessa in ragione della circostanza che «l'amico di colui che aveva mostrato l'*anulus* aveva procurato e per negligenza un danno, che data l'assoluta perdita [*sic!*]⁵³ della cosa non poteva dare luogo ad un'azione *ex lege Aquilia* neanche in via utile»⁵⁴.

Intorno al primo elemento del giudizio (*culpa*) già si è detto. Quanto al secondo – ossia alla 'distruzione assoluta' del bene – giova osservare che neppure i giuristi bizantini sarebbero stati

l'atecnicità del termine (cfr. Levy & Rabel 1929-1935, I Suppl., c. 155). V., però, Mayer-Maly 1963, p. 124 e nt. 77 e Kaser 1971-1975, p. 504 nt. 9.

⁵⁰ Cfr., infatti, D. 9.2.44 pr. (Ulp. 42 ad Sab., 2888): In lege Aquilia et levissima culpa venit. V. già Ferrini 1905, p. 255 ss.: «si è visto, che tale dottrina» – ossia quella che identifica la *culpa levissima* con «ogni benchè menoma infrazione di diligenza» – «in sè è esagerata ed esorbitante e d'altra parte non risponde[nte] per nulla agl'insegnamenti delle stesse fonti».

⁵¹ Nelle forme dell'*urere*, del *frangere* o del *rumpere*: cfr. Gai 3.217, e anche I. 4.3.13.

⁵² De Francisci 1913-1916, I, p. 301; MacCormack 1975, p. 30 e Kaser 1984, p. 97 e s. (e 98 nt. 444).

⁵³ V. nota seguente. Da ultimo, anche Gröschler 2011, p. 39, ipotizza, secondo buon senso, che «le monete di rame o di argento, quando si trovano nell'acqua di un fiume oppure nel mare o addirittura nell'acqua di scarico, in breve si corrodono. Inoltre, esse possono subire anche un danneggiamento meccanico quando cadono nel letto del fiume, sul fondo del mare o in mezzo alla spazzatura di una cloaca. È perciò perfettamente credibile che Sabino ritenesse applicabile anche l'*actio legis Aquiliae* nella sua forma diretta». A mio parere Sabino potrebbe aver ragionato, invece, nei termini della 'perdita' del bene, nonostante la sua mancata distruzione. La corrosione delle monete, infatti, non è immediata, anzi risulta dotata di una lunga gestazione (basti considerare il dato archeologico del rinvenimento di esse, nei più differenti metalli, in mare, o in fiume); inoltre, le fonti che si andranno leggendo non operano mai riferimento al problema della corrosione, ma alla 'non recuperabilità' dei pezzi conati. E, anzi, proprio una fonte bizantina (ossia Sch. 62 ad B. 60.3.27.21 [BS. 3128-12 = Sch. 65, Hb. V, 294]) sembrerebbe smentire questa possibilità laddove, in chiusura, osserva, a questo riguardo: Οὐδὲ γὰρ ἐβλάβη τὸ σῶμα τῶν νομισμάτων ὑπὸ τοῦ ὕδατος.

⁵⁴ De Sarlo 1940, p. 35. C'è da chiedersi, inoltre, perché mai la 'assoluta perdita' dell'oggetto 'non' avrebbe dovuto dar luogo all'azione *directa*. V. anche nt. seg.

disposti ad accettare una simile, estrema conclusione⁵⁵. Si veda, infatti, il seguente testo attribuito all'Anonimo⁵⁶:

Sch. 62 ad B. 60.3.27.21 (BS. 3128-13 = Sch. 64, Hb.V, 294):
[...] τί γάρ, ὅτι τοὺς νούμμους ἐξετίναξεν εἰς τόπον θαλάσσης ἢ
ποταμοῦ, ἔνθα ἡδύνατο διανηξάμενος τούτους λαβεῖν;

Nell'ipotesi di lancio delle monete altrui in un fiume, oppure in una cloaca o in mare, il giurista bizantino interpone un interrogativo che ha il sapore della sfida logica e dialettica insieme: 'cosa accadrà, dunque, se le monete siano state gettate in mare, in un luogo nel quale, nuotando, io possa recuperarle?'.

L'argomento si può applicare per analogia al caso dell'anello⁵⁷. Di per sé – almeno in linea teorica – nulla esclude che il proprietario possa recuperarlo dal Tevere. O, meglio, è addirittura certo che l'anello sia rimasto integro, e si trovi in un punto (preciso ma ignoto) del fondale del fiume. Nessuno, e tantomeno il giurista, tuttavia, può richiedere che il proprietario metta a repentaglio la propria incolumità nell'eseguire un'operazione di recupero, che risulterebbe di certo assai rischiosa.

Il senso di giustizia vorrà, dunque, che – in assenza dei requisiti richiesti per la concessione dell'*actio legis Aquiliae 'directa'* – il *dominus anuli* possa ottenere (almeno) il valore della cosa perduta, attraverso l'esperimento di un'*actio in factum*⁵⁸, di cui risulta essere legittimato passivo colui che aveva ricevuto l'anello in visione, sul presupposto minimo ma essenziale del nesso di causalità tra

⁵⁵ Se le parole significano qualcosa, parlare di 'assoluta distruzione' significa percorrere un terreno semantico che trasmette l'idea, univoca e non ambigua, che non solo non sia possibile, 'in alcun modo', riavere l'oggetto nella sua conformazione originaria, ma anche che non sia possibile riaverlo, in qualunque stato. Il che è contrario al tenore letterale di D. 19.5.23.

⁵⁶ V. Heimbach 1833-1870, VI ('Manuale Basilicorum'), p. 243: in ordine a questo giurista (si tratta, in realtà, assai probabilmente di due giuristi, uno d'epoca giustiniana e uno più tardo, denominati nello stesso modo), v. Zachariae von Lingenthal 1973, II, p. 152 e ss.; Spulber 1937, p. 307 e s., 313 e s.; Pringsheim 1951, p. 302 ss.; Pringsheim 1961, I, p. 455 e ss.; Zepos 1960, p. 11 e s.; Scheltema 1977, p. 308 e ss.; Scheltema 2004; van der Wal 1978, p. 147 e ss.; van der Wal 1980, p. 125 e ss.; Stolte 1985, p. 47 e ss.; Burgmann 1986, p. 101 e ss.; Schminck 1991a, p. 107 e s.; Miglietta 2007b, p. 736 nt. 165.

⁵⁷ Senza, tuttavia, confondere le due fattispecie: v. sopra, nt. 29 (e testo a cui essa si riferisce).

⁵⁸ Un'azione con *intentio in factum concepta*, non essendo utilizzabile, nel caso di specie, alcuna azione prevista dall'editto: cfr. Gallo 1992-1995, II, p. 64 nt. 5.

la (mancata) apprensione dell'oggetto e la caduta del medesimo nel fiume⁵⁹.

4. Da quanto esposto dovrebbe emergere già con sufficiente chiarezza la rilevanza dell'elaborazione giuridica bizantina in materia di danneggiamento aquiliano, in generale, e di tutela pretoria, in particolare.

Sul primo versante, infatti, non v'è dubbio che i giuristi di Bisanzio abbiano prodotto alcuni mutamenti degni di rilievo, con spunti talora originali⁶⁰. Ne indico uno per tutti. Il giurista d'epoca severiana, Ulpiano, nel testo d'apertura di D. 9.2, offre un *prooemium* di natura 'storica' relativo al plebiscito di cui si tratta, che coinvolge anche gli effetti prodotti dalla sua approvazione sulle norme che, in precedenza, regolamentavano alcune fattispecie di danno⁶¹.

Il passo corrispondente dei *libri Basilicorum* omette, per contro, ogni riferimento alla natura della *lex* e al suo latore – ragion per cui già il preambolo risulta fortemente compresso⁶²:

⁵⁹ Cfr., per tutti, Schipani 1969, p. 192 (di cui non si condivide, invece, il ragionamento relativo all'*iniuria*). A modo di chiusura dell'analisi di D. 19.5.23 è necessario ancora osservare che il passo trova una sintesi assai ridotta all'interno dei *libri Basilicorum*, per di più privi di *scholia*, e, sul punto, ricostruiti grazie alla *Synopsis maior* (cfr. Syn. A.LVII.3, e v. BT. 1013, 'Testimonia', ad h.l.; Codex Ambrosianus F 106 (A) e Syn. A.LVII.3 [Zepos & Zepos 1931, V, p. 95]: Τὸν δακτύλιόν σου ἔλαβον ἐπὶ τῷ ἰδεῖν καὶ ἐξέπεσεν εἰς τὸν ποταμόν· ἐνέχομαι τῇ ἀγωγῇ): B. 20.4.23 (BT. 1013-1 = Hb. II, 383): Τὸν δακτύλιόν σου ἔλαβον ἐπὶ τῷ ἰδεῖν καὶ ἐξέπεσεν εἰς τὸν ποταμόν· ἐνέχομαι τῇ infactum (Hb. termina come Syn. A.LVII.3, e Harmen., *Hexáb.* 2.3.13). Quanto si può osservare, nella pur scarna estensione di B. 20.4.23, è il fatto che i verbi che segnalano l'azione del ricevere l'anello, e quella dell'ammirarlo, sono posti alla prima persona singolare – ossia sono riferiti al soggetto – mentre l'evento subito dalla *res* è raffigurato dal verbo ἐκπίπτω alla terza persona (ἐξέπεσεν): questo priva la 'caduta nel fiume' dell'*anulus* di qualunque connotazione psicologica (anche nei termini di una, seppur eventuale, *levissima culpa* dell'agente).

⁶⁰ Riguardo ai temi '*quanti plurimi*' e '*infinitatio*' v., rispettivamente, Miglietta 2012, p. 430 e ss. e 408 e ss.

⁶¹ D. 9.2.1 pr.-1 (Ulp. 18 ad ed., 612). V. anche Franciosi 2007, p. 935 e ss., e Serrao 2009, p. 561.

⁶² Va detto, per completezza, che assai più estesa discussione è contenuta in Sch. 1 ad B. 60.3.1 (BS. 3090-6 = Hb. V, 263), che, in questa sede, non è necessario riportare.

B. 60.3.1 (BT. 2749-4 = Hb. V, 263): Ὑλρι.⁶³ Ὁ Ἀκουίλιος καθολικός ἐστι καὶ ἡκύρωσε πάντας τοὺς πρὸ αὐτοῦ περὶ ζημίας διαλεγόμενους νόμους.

Nonostante la concisione, la fonte inserisce, tuttavia, un dato rilevante, ossia che lo stesso νόμος τοῦ Ἀκουιλίου risulta aver acquisito ‘carattere universale’ (καθολικός ἐστι), alludendo attraverso questa espressione all’assunzione della natura di rimedio tipico e ordinario (e, quindi, esclusivo) a tutela del danno ingiustamente subito⁶⁴.

Questa definizione, anche da un punto di vista sistematico, in quanto posta in esordio di B. 60.3, non è senza significato, né può essere classificata quale clausola di stile, priva, cioè, di effetti sulla regolamentazione del *damnum iniuria datum*. Essa, al contrario, sembra aver esercitato una sensibile influenza sui giuristi bizantini, i quali hanno (ri)elaborato il concetto di *actio in factum* presentata quale γενική ἰμφάκτουμ – qui intesa quale ‘azione generale’, dotata di funzione sussidiaria, ossia da applicarsi in tutti i casi in cui non fosse rinvenibile un mezzo di tutela giurisdizionale tipico. Si veda, infatti, un ampio testo dovuto al Hagiotheodorito, che contiene – nella parte ἡ γὰρ ἰμφακτος γενική..., e fino al termine – «la costruzione giuridica più completa» in argomento⁶⁵:

Sch. 130* ad B. 60.3.27.21 (BS. 3134-19 = Hb. V, 294-295): Τοῦ Ἀγιοθεοδωρίτου. Ἦγουν τῷ γε οὐτίλῳ Ἀκουίλῳ· χώρα καὶ τῇ ἰμφακτον. Ὅταν γὰρ χώραν ὁ οὐτίλιος Ἀκουίλιος σχῇ, ἔχει χώραν καὶ ἡ ἰμφακτος, καὶ ἔξεστιν ἡμῖν τότε οἶον βουλόμεθα κινεῖν, ἢ τὸν οὐτίλιον Ἀκουίλιον ἢ τὴν ἰμφακτον. Ὅτι δὲ ἄλλο τι ἔοικεν εἶναι ὁ οὐτίλιος Ἀκουίλιος καὶ ἄλλο ἡ ἰμφακτος, ζητεῖ κεφ. λ'. θεμ. γ'. καὶ τὴν ἐκεῖ παραγραφὴν τοῦ Ἀωνύμου. Ζήτηι δὲ περὶ τῆς ἰμφάκτου τούτου τοῦ κεφ. θεμ. θ'. καὶ θεμ. κβ'. καὶ τὴν ἐκεῖσε παραγραφὴν καὶ τιτ. δ'. κεφ. ε'. θεμ. ε'. καὶ τὴν ἐκεῖ παραγραφὴν. Ὡστε ἔνθα μὲν ὁ οὐτίλιος Ἀκουίλιος ἔχει χώραν, ἀρμόζει ὁμολογουμένως καὶ ἡ ἰμφακτος· οὐκ ἦδη δὲ ἔνθα ἀρμόζει ἡ ἰμφακτος, ἀρμόζει ἐξ ἀνάγκης καὶ οὐτίλιος Ἀκουίλιος. Ἀνάγνωθι γὰρ καὶ κεφ. ξβ'. τούτου τοῦ τιτ. Ἡ γὰρ ἰμφακτος

⁶³ «Οὐλπ.» in Hb. V, 263.

⁶⁴ Cfr. Rotondi 1922a, p. 411 e ss., 440 e ss. (con indicazione di fonti); Rotondi 1922b, p. 468 e ss. (479 e ss., in particolare); v., inoltre, Alibrandi 1896, p. 176; Erman 1908, p. 594 ss.; Brugi 1910, p. 300 e nt. 7; Brugi 1912, p. 143; Arangio Ruiz 1946, p. 98; Arangio Ruiz 1977, p. 18; Miglietta 2012, p. 406 ss. 2.

⁶⁵ V. Rotondi 1922a, p. 440 e ss..

γενική οὐσα καὶ καθολική κατηγορεῖται κατὰ πάσης οὐτιλίας ἀγωγῆς· ὥς καὶ ἡ αθολική συμφωνία κατηγορεῖται κατὰ πράσεως, μισθώσεως καὶ παντὸς συναλλάγματος, οὕτω γοῦν καὶ ἡ ἱμφακτος κατὰ πάσης οὐτιλίας ἀγωγῆς κατηγορουμένη ποτὲ μὲν κινεῖται ἱμφακτος οὐτίλιος Ἀκουίλιος, ποτὲ δὲ ἱμφακτος τοιάδε οὐτιλία, ἡγουν πρὸς τὴν οὐτιλίαν ἐκάστην ἀγωγήν, οἷα δ' ἂν ἦ. Πολλάκις δὲ θεωρεῖται καθ' ἐαυτὴν μόνον, ὥς καὶ ἡ δεπεκουλίο καὶ ἡ καθόλου συμφωνία⁶⁶.

5. Le osservazioni fin qui proposte consentono di affrontare direttamente il tema della tutela pretoria nei suoi profili di costruzione dogmatica, all'interno delle fonti giuridiche grecolatine. Il testo, per così dire, fondamentale in materia risulta essere quello contenuto nella 'Parafrasi' alle Istituzioni di Giustiniano, tradizionalmente attribuita al giurista Teofilo⁶⁷:

PT. 4.3.16 (ed. Lokin 2010, 772): Κανόνι δὲ γινικῶ δεῖ περιλαβεῖν πότε ὁ DIRECTOS AQUILIOS ἀρμόζει πότε ὁ UTILIOS. Καὶ τέως χρή ὅτι ὁ νόμος ἐαυτὸν δίδωσιν ἐπειδὰν ἀδικηθῇ σῶμα. Ἀλλ' εἰ μὲν ἐκ σώματος ἡ βλάβη προσγένηται, τυχὸν γὰρ ψιλᾶις ταῖς ἐμαυτοῦ χερσὶν ἢ μετὰ ξύλου ἢ λίθου ἢ ἐτέρου τινὸς ὀργάνου πλήξας ἀνείλον ἢ ἐτραυμάτισα, DIRECTOS ὁ AQUILIOS ἀρμόζει. Εἰ δὲ σῶμα μὲν ἡδικήθη, οὐκ ἀπὸ σώματος δὲ γέγονεν ἡ βλάβη, δίδεται τὸν UTILION AQUILION χρή. Οἷον τὸν ἐμὸν τις οἰκέτην ἢ τὸ ἐμὸν PECUS ἐνέκλεισεν ἐπὶ χρόνον ὥστε λιμῶ διαφθαρῆναι· ἢ τὸ ἐμὸν ὑποζύγιον οὕτως ἤλασε σφοδρῶς ὥς μὴ ἐνεγκεῖν τὸ πλῆθος τοῦ διαστήματος ἀλλὰ διαρραγῆναι· ἢ τὸ ἐμὸν τυχὸν πρόβατον ἢ τὸ ἐμὸν βοῦν οὕτω τις διατάραξεν ὥς ἐνεχθῆναι αὐτὸ κατὰ κρημνοῦ καὶ ἢ ἀπολέσθαι ἢ κατὰ τι βλαβῆναι· ἢ ἐάν τις τὸν ἀλλότριον οἰκέτην πείσῃ ἀνελθεῖν εἰς δένδρον

⁶⁶ Simili concetti vengono espressi in una sezione piuttosto complessa dell'opera del medesimo giurista: v. Sch. 43* ad B. 60.4.5 (BS. 3178-4 = Sch. 17*, Hb. V, 331). Al di là delle numerose considerazioni che si potrebbero proporre, ma che esulano dalla nostra indagine, la testimonianza ora integralmente trascritta rileva, in particolare, nella sezione σημειῶσαι δὲ καὶ ἄλλο πολλάκις σοι καὶ ἐπ' ἄλλων σημειωθέν, ὅτι διαφορὰ ἐστὶ τοῦ οὐτιλίου Ἀκουιλίου ἡγουν τῆς ἱμφάκτου τῆς οὐτιλίας, e in quella finale (μετὰ τῶν ἄλλων δὲ καὶ αὕτη ἐστὶν ἡ διαφορὰ πρὸς τὴν διρέκταν ἱμφακτον, ὅτι ἡ μὲν οὐτιλία ἱμφακτος συνθεωρεῖται καὶ ἄλλαις ἀγωγαῖς, ἡ δὲ διρέκτα καὶ ἀπλή καὶ ἀσύνθετος αἰεὶ καθ' ἐαυτὴν θεωρεῖται καὶ ἐν ἀπορίᾳ πάσης ἄλλης ἀγωγῆς κινεῖται). Il richiamo ad una natura 'generale' del rimedio aquiliano risulta essere implicito, laddove si ribadisce – così come in Sch. 130*, cit. – il suo utilizzo in via sussidiaria. Cfr. Rotondi 1922a, p. 441 ss.

⁶⁷ V. Rotondi 1922a, p. 413 nt. 1, 444 e ss.; Miglietta 2001, p. 342; Piro 2004, p. 54 e ss.; Corbino 2007, p. 1 e ss.; Corbino 2008, p. 195 ss.

ἢ κατελθὶν εἰς φρέαρ, εἰδὼς δυσχερεστάτην καὶ ἐπικίνδυνον τὴν ἄνοδον ἢ τὴν κάθοδον εἶναι, εἴτα ὁ οἰκέτης ἀνίων ἢ κατιῶν ὠλίσθησε καὶ ἢ ἐτελεύτησε ἢ περὶ τι μέρος ἐβλάβη τοῦ σώματος. Τί δὲ ὅτι τὸν ἀλλότριόν τις οἰκέτην ἀπὸ γεφύρας ἢ ὄχθης ἔρριψε κατὰ τοῦ ποταμοῦ, εἴτα οὗτος κατενεχθεὶς ἐν τῷ ὕδατι ἐπνίγη; ἐνταῦθα τὸν DIRECTON AQUILION δίδοται χρῆ· ὃ γὰρ ὥθησε τὸν οἰκέτην οἰκείῳ σώματι τὴν ἀναίρεσιν εἰργάσατο. Εἰ δὲ μήτε τῷ σώματι τις ἔβλαπεν οὐδὲ σώμά ἐστι τὸ ἀδικηθέν, ζημία δέ τις προσγένονεν ἐμοί, ἀργούντος τοῦ DIRECTU ἐπειδὴ οὐκ ἀπὸ σώματος καὶ τοῦ UTILIU δὲ διὰ τὸ μὴ ἡδικῆσθαι σῶμα, ἤρεσε τὸν ζημώσαντα ὑποπίπτειν τῇ IN FACTUM. Οἷον τὸν ἐμὸν οἰκέτην ὡς ἀμαρτάνοντά τι δεσμοῖς περιέλαβον· τοῦτον ἕτερος οἰκτῶ καὶ φιλανθρωπῶ κινήσει, εἰδὼς ὅτι ἐκφεύξεται, λύσας ἀφήκε τῶν δεσμῶν.

Questo esteso, e particolarmente interessante brano deriva, con alcune significative amplificazioni⁶⁸, dal testo delle Istituzioni giustinianee⁶⁹. A sua volta, il testo imperiale si ispira⁷⁰ a quello delle *Institutiones* di Gaio⁷¹ – nelle quali, come va subito precisato

⁶⁸ V., ad esempio, il tratto εἰδὼς δυσχερεστάτην – ἢ τὴν κάθοδον εἶναι, di certa importanza in relazione alle intenzioni manifestate dall'agente (cfr. Miglietta 2001, p. 341 e s.). Sul punto rinvio a Falcone 1998, p. 263 e ss., 305 e ss., rispettivamente, sia in termini di puntualizzazioni ed individuazioni di eccezioni alla regola, sia in quelli di analisi sinottica dei testi. In generale, v. Schminck 1991c, p. 2065 e s. (con bibl.); per osservazioni istituzionali – ma precise – Amelotti 1989, p. 695 e s.

⁶⁹ I. 4.3.16: Ceterum placuit, ita demum ex hac lege actionem esse, si quis praecipue corpore suo damnum dederit. Ideoque in eum qui alio modo damnum dederit, utiles actiones dari solent: veluti si quis hominem alienum aut pecus ita incluserit ut fame necaretur, aut iumentum tam vehementer egerit ut rumperetur, aut pecus in tantum exagitaverit ut praecipitaretur, aut si quis alieno servo persuaserit ut in arborem ascenderet vel in puteum descenderet, et is ascendendo vel descendendo aut mortuus fuerit aut aliqua parte corporis laesus erit, utilis in eum actio datur. Sed si quis alienum servum de ponte aut ripa in flumen deiecerit et is suffocatus fuerit, eo quod proiecerit corpore suo damnum dedisse non difficiliter intellegi poterit ideoque ipsa lege Aquilia tenetur. Sed si non corpore damnum fuerit datum neque corpus laesum fuerit, sed alio modo damnum alicui contigit, cum non sufficit neque directa neque utilis Aquilia, placuit eum qui obnoxius fuerit in factum actione teneri: veluti si quis, misericordia ductus, alienum servum compeditum solverit, ut fugeret.

⁷⁰ Per l'individuazione dei rapporti tra Gai 3.219 ed I. 4.3.16, v. Ferrini 1905, 293 ss.

⁷¹ Gai 3.219: Ceterum etiam placuit ita demum ex ista lege actionem esse, si quis corpore suo damnum dederit, ideoque alio modo damno dato utiles actiones dantur, velut si quis alienum hominem aut pecudem incluserit et fame necaverit, aut iumentum tam vehementer egerit, ut rumperetur; item si quis alieno servo persuaserit, ut in arborem ascenderet vel in puteum descenderet, et

con decisione, non si rintraccia accenno alcuno alla tutela *in factum*, ma si afferma, al contrario, che *‘ideoque alio modo damno dato utiles actiones dantur’*, lasciando intendere che il danno comunque prodotto (*ideoque alio modo*), fuori dai canoni segnalati dal noto binomio *‘corpori – corpore’*, avrebbe dato luogo alla (unitaria ed esclusiva) concessione della tutela in via utile (*utiles actiones dantur*)⁷². Un dato, questo, che non può considerarsi senza importanza, e sul quale avrò modo di tornare estesamente⁷³.

A riguardo delle fonti richiamate, il passo della Parafrasi è stato ripreso – e praticamente ricalcato, salvo qualche minima variante – in uno σχόλιον adespota (e a riguardo del quale non sarebbe affatto sconveniente supporre la matrice teofilina, per il tramite della scrittura di Stefano)⁷⁴:

Sch. 6 ad B. 60.3.9.2 (BS. 3100-15 = Hb.V, 271)⁷⁵: Ζήτει ἰν-
στῖτ. δ'. τιτ. γ'. περὶ τοῦ πότε ὁ δῖρεκτος Ἀκουίλιος ἀρμόζει καὶ
πότε ὁ οὐτίλιος. Εἰδέναι χρή, ὅτι ὁ νόμος αὐτὸν δίδωσιν, ἐπειδὴν
ἀδικηθῇ σῶμα. Ἄλλ' εἰ μὲν ἐκ σώματος ἡ βλάβη προσγένηται (τυ-
χὸν γὰρ ψυλαῖς ταῖς ἐμαυτοῦ χερσὶν ἢ μετὰ ξύλου ἢ λίθου ἢ ἐτέ-
ρου τινὸς ὀργάνου πλήξας ἀνείλον ἢ ἐτραυματίσαι), ὁ δῖρεκτος
Ἀκουίλιος ἀρμόζει. Εἰ δὲ σῶμα μὲν ἡδίκηθη, οὐκ ἀπὸ σώματος

is ascendendo aut descendendo ceciderit et aut mortuus fuerit aut aliqua parte corporis laesus sit. Item contra si quis alienum servum de ponte aut ripa in flumen proiecerit et is suffocatus fuerit, hic quoque corpore suo damnum dedisse eo, quod proiecerit, non difficiliter intellegi potest.

⁷² Da ultimo, v. Gröschler 2011, p. 45 e ss.

⁷³ Alludo al terzo studio in materia, dedicato ai ‘Profili sostanziali’ (destinato alla ‘collana’ delle monografie dei ‘Quaderni Lupiensi di Storia e Diritto’, Atti del Convegno Internazionale ‘Villa Vigoni’, *Il diritto romano e le culture straniere* – 2013). Non pare inopportuno notare quanto indicato – al contrario – da D. 9.2.33.1 (Paul. 2 ad Plaut., 1084): In damnis, quae lege Aquilia non tenentur, in factum datur actio. La natura apparentemente generalizzante del principio espresso da Paolo, ma con riferimento alla tutela *in factum*, potrebbe non essere estranea alla ‘con-fusione’ indotta nella scienza giuridica bizantina tra *actio in factum* e *actio utilis*, sebbene le fonti (B. 60.3.33.1 *et scholia*) non affermino nulla al riguardo.

⁷⁴ Cfr. Heimbach 1833–1870, VI (‘Manuale Basilicorum’), p. 242, e v. Hausmaninger 1996, p. 8 nt. 11. Neppure de Jong 2008, p. 392 (‘Index’) propone alcuna attribuzione (o, meglio, non identifica i possibili contatti tra le due testimonianze esaminate, che, peraltro, non sono state oggetto d’indagine diretta). Ma, com’è noto tra gli esperti, Stefano non manca di rifarsi all’autorità del ‘beato Teofilo’ (Θεόφιλος ὁ μακαρίτης): v., ad esempio, Miglietta 2007b, p. 698–699, 715 e 734, circa Sch. 27 ad B. 23.1.31.1 (BS. 1558 = Sch. 15, Hb.V, 626).

⁷⁵ V. Ferrini 1884, p. 404 (gr.) nt. a.

δὲ γέγονεν ἡ βλάβη, δίδεται ὁ οὐτίλιος Ἀκουΐλιος· οἷον τὸν ἐμόν τις οἰκέτην ἔκλεισεν ἐπὶ χρόνον, ὥστε λιμῶ διαφθαρῆναι, ἢ τὸ ὑποζύγιον οὕτως ἤλασε σφοδρῶς, ὥστε μὴ ἐνεγκεῖν τὸ πλῆθος τοῦ διαστήματος, ἀλλὰ διαρραγῆναι, ἢ τὸ ἐμὸν προβάτον οὕτως διετάραξεν, ὥς ἐνεχθῆναι κατὰ κρημονοῦ καὶ ἢ ἀπολέσθαι ἢ βλαβῆναι· ἢ ἐάν τις τὸν ἀλλότριον οἰκέτην πείσῃ ἀνελθεῖν εἰς δένδρον εἰδῶς δυσχερεστάτην εἶναι καὶ ἐπικίνδυνον τὴν ἄνοδον ἢ τὴν κάθοδον, εἴτα ὁ οἰκέτης ἀνίων ἢ κατιῶν ὠλισθήσῃ καὶ ἢ ἐτελεύτησῃ ἢ περὶ τι μέρος ἐβλάβῃ τοῦ σώματος. Εἰ δὲ τὸν ἀλλότριόν τις οἰκέτην ἀπὸ γεφύρας ἔρριψε κατὰ ποταμοῦ καὶ ἐπνίγη, ὁ διῶρεκτος δίδεται· ὅς γὰρ ὥθησεν τὸν οἰκέτην οἰκεῖφ σώματι τὴν ἀναίρεσιν εἰργάσατο. Εἰ δὲ μήτε τῷ σώματι τις ἐβλαψεν οὔτε σῶμά ἐστι τὸ ἀδικηθέν, ζημία δὲ τις προσγένονεν ἐμοί, ἀργουόντος τοῦ διῶρεκτου, ἐπειδὴ οὐκ ἀπὸ σώματος, καὶ τοῦ οὐτιλίου διὰ τὸ μὴ ἡδικῆσθαι σῶμα, ὑπόκειται τῇ ἰμφάκτουμ ὁ ζημιώσας· οἷον τὸν ἐμόν οἰκέτην ὥς ἀμαρτήσαντα ἐδέσμευσα· τοῦτον ἔτερος φιλανθρωπευσάμενος εἰδῶς, ὅτι φύγη, ἀνήκε τῶν δεσμών. Ζήτει κεφάλαιον κθ'. θεμ. β'.

È sufficiente procedere ad una lettura sinottica di PT. 4.3.16 e di Sch. 6, cit., per ricevere piena conferma del fatto che il giurista bizantino, autore del secondo – dopo aver esordito con il rimando ζήτει ἰστυτ. δ'. τυτ. γ', in relazione alla regola relativa ai presupposti necessari che debbono sussistere affinché si possa agire con l'*actio directa* e a quali consentano, per contro, la concessione dell'*actio utilis* – trasferisce, quasi alla lettera, il testo del Parafraste.

Questi principi, pervenuti per il tramite di due versioni di poco divergenti, ribadiscono concetti offerti da I. 4.3.16. Laddove, infatti, il danno sia stato causato '*corpore (suo)*'⁷⁶, il responsabile dovrà soggiacere all'*actio directa*⁷⁷; laddove, invece, il danno sia stato prodotto in altro modo (ad esempio, rinchiudendo lo schiavo, causandone la morte per inedia), o, meglio, sia assente tale requisito (*corpore*), verrà concessa l'*actio utilis*⁷⁸. A questo riguardo dovrà essere ugualmente considerato come prodotto '*corpore*' il danno causato attraverso l'azione di chi abbia scaraventato lo schiavo altrui in un fiume, di modo che questi sia stato sopraffatto dalla

⁷⁶ V. sul punto Piro 2004, p. 25 (e passim).

⁷⁷ Così Gai 3.219, I. 4.3.16, PT. 4.3.16 e Sch. 6 ad B. 60.3.1, cit. V. anche, a titolo d'esempio, per l'estrema chiarezza, Sch. 21 ad B. 60.3.11.4 (BS. 3103-14 = Sch. 22, Hb. V, 274): Διῶρεκτω· δοκεῖ γὰρ εἶναι ἀπὸ σώματος εἰς σῶμα.

⁷⁸ Idem c.s. Ma v., tuttavia, D. 9.2.9.2 (Ulp. 18 ad ed., 614) e B. 60.3.9.2, che trattano di *actio in factum*.

corrente e, quindi, sia sopraggiunta la morte per annegamento: *hic quoque corpore suo damnum dedisse... non difficiliter intellegi potest.*

In questi termini, le istituzioni di Gaio e quelle di Giustiniano seguono uno stesso principio regolatore. Il manuale imperiale aggiunge, tuttavia, un ulteriore elemento, il cui inserimento è stato oggetto d'attenzione da parte della dottrina, la quale lo ha definito di «oscura origine», non senza mancare di ipotizzarne addirittura la natura alterata⁷⁹:

I. 4.3.16 (in fin.): [...] Sed si non corpore damnum fuerit datum neque corpus laesum fuerit, sed alio modo damnum alicui contigit, cum non sufficit neque directa neque utilis Aquilia, placuit eum qui obnoxius fuerit in factum actione teneri: veluti si quis, misericordia ductus, alienum servum compeditum solverit, ut fugeret.

Sulla base di questa *regula iuris*, tanto PT. 4.3.16 quanto Sch. 6 ad B. 60.3.1, cit., precisano che la considerazione preliminare che deve essere svolta dall'interprete consiste nel verificare se dall'azione sia scaturita la lesione del corpo della vittima. In primo luogo, infatti, è necessario conoscere, ai fini della concessione della stessa *actio legis Aquiliae*, se l'evento lesivo sia prodotto 'al corpo (*corpore*)', e, in secondo luogo, si dovrà accertare se sia stato causato 'con il corpo (*corpore*)'. E questo avviene – come osservano sempre il Parafraste e, sulla sua scia, lo scoliaste – quando il danno

⁷⁹ Cfr. Alibrandi 1870, p. 159 e s.; Ferrini 1901, p. 187 e s.; Ferrini 1929, p. 403. Krüger 1963, p. 46 nt. 4; Zocco Rosa 1908-1911, II, p. 281 e s. (secondo il quale già Huschke 1899, p. 164, avrebbe segnalato «la non intiera origine gajana» del paragrafo; ma il dato è dubbio) e 442, ipotizzano che il redattore di I. 4.3.16 – probabilmente Doroteo (v. Falcone 1998, p. 391) – potesse aver tenuto conto di D. 4.3.7.7 (Ulp. 11 ad ed., 385): v. anche Rotondi 1913, p. 413 nt. 1. Purtroppo le fonti bizantine, in questo caso, non sono di molto aiuto, poiché il passo corrispondente a D. 4.3.7.7, ossia B. 10.3.7, è sprovvisto di σχόλια, ragione per cui non è possibile verificare se vi sia qualche commento indicativo (e, anzi, Ecl. Bas. 10.3.7.7 [Burgmann 1988, 491-18], perde l'indicazione τῇ ἐνφάκτου ἐνέχῃ [che è, invece, del Cod. Paris. gr. 1352, seguito da BT. 540-23 = Hb. I, 499], a vantaggio della forma εἰς τὸ ἀπλοῦν ἐνέχῃ – sebbene il riferimento al *simpulum* sia, in ogni caso, coerente con l'azione *in factum*, con cui si ottiene il valore della cosa danneggiata). Ciononostante, non v'è dubbio che tanto le similitudini espressive (che sono più numerose di quelle espressamente segnalate da Zocco Rosa: *compeditus servus, solvere, misericordia ductus, in factum actio*), quanto lo stesso mezzo giuridico concesso – l'*actio in factum* – coincidano, rendendo più che ragionevole ipotizzare che la stesura di I. 4.3.16 (in fin.) abbia risentito (a mio parere, direttamente) di D. 4.3.7.7.

sia stato prodotto ‘con le proprie nude mani, o con un bastone, o con una pietra, o si sia perpetrata l’uccisione o il ferimento con un qualunque altro strumento idoneo’⁸⁰.

Se, invece, si accerterà che il danneggiamento sia stato certamente prodotto al corpo (εις σῶμα – *corpori*), ma ‘non corpore’ (οὐκ ἀπὸ σώματος), allora avrà luogo la concessione dell’*actio utilis*.

Laddove difetti anche il requisito del danno *corpori*, si dovrà ricorrere all’*actio in factum*⁸¹.

6. Le testimonianze ora esaminate raffigurano un sistema variegato di concessione di mezzi di tutela giurisdizionale, che non presenta elementi di differenziazione significativi rispetto ai testi giuridici latini⁸².

Meno indagata dalla dottrina, tuttavia, pare essere stata la presenza di altre fonti bizantine le quali offrono giustificazioni di natura dogmatica (o, in questi termini, utili puntualizzazioni esplicative) in ordine alla concessione della tutela pretoria.

In primo luogo, e con riferimento al requisito identificato dall’espressione *corpori* – *corpore damnum dare*, è possibile osservare quanto definito all’interno di un altro scolio adespotato⁸³. Mi riferisco a

Sch. 151* ad B. 60.3.27.35 (BS 3137-18 = Sch. 121*, Hb. V, 300): Ὅτε μὲν ἀπὸ σώματος εἰς σῶμα γίνεται ἡ βλάβη, τότε κινεῖται ὁ Ἀκουῖλος· ὅτε δὲ αἰτίας μεσολαβησάσης γένηται ἡ βλάβη καὶ μὴ ἀπὸ σώματος εἰς σῶμα, τότε χώρεα τῇ ἰμφάκτω.

Il testo in questione procede dal tratto che nei Basilici allude alla concessione dell’azione nel doppio⁸⁴:

⁸⁰ Cfr. anche Huschke 1899, p. 164 nt. 2.

⁸¹ V., in particolare, Corbino 2007, passim, e Corbino 2008, p. 195 e ss.

⁸² Salvo, appunto, voler insistere sul delicato profilo, già evidenziato, della previsione, in via esclusiva, della tutela utile in Gai 3.219, quale alternativa qualificata all’*actio directa*: v. sopra, paragrafo appena precedente.

⁸³ Cfr. Hb.VI (‘Manuale Basilicorum’), p. 243 ad h.l.

⁸⁴ Ibid. Per quanto riguarda, invece, l’edizione olandese – *nisi fallor* – mi pare non sia stata fornita l’indicazione dell’esatto posizionamento dello scolio in questione (probabilmente per semplice dimenticanza): cfr., infatti, BT. 2757-2760, ‘Scholia’, ad B. 60.3.27. Il testo di BT. 2760, ‘Scholia’, ad h.l. («₄ ἀγωγή: Pe 116, 117») deve, pertanto, essere emendato nel modo seguente: «₄ ἀγωγή: Pe 116, 117, 151».

B. 60.3.27.35 (BT 2760-3 = Hb. V, 300): Ἐὰν οἶνον πλήρη λάκκον μισθώσω κονιάτη ἐπὶ τῷ φιλοκαλῆσαι αὐτόν, ὁ δὲ τρυπήσῃ καὶ ἐκχυθῇ ὁ οἶνος, ἀρμόζει ἡ ἀγωγή ἡ εἰς τὸ διπλοῦν ἀπαιτοῦσα.

Nel considerare l'ipotesi in cui, essendo intervenuto un accordo (ossia una *locatio operis*) affinché venisse riparata l'intonacatura della cisterna, l'operatore abbia invece forato la medesima, provocando la dispersione del vino in essa contenuto, lo scoliate afferma che non è stato causato un danno *'corpore – corpori'*. Infatti, tra il comportamento e l'evento lesivo si è frapposta una diversa causa – una αἰτία μεσολαβησάση – che ha spezzato il rapporto corporale immediato: in virtù dell'inserzione di questo elemento, si dovrà dare corso alla tutela *in factum* in luogo di quella *directa*.

La perdita del vino, infatti, non è conseguenza 'immediata' dell'operazione svolta, bensì ('mediata') della lesione causata alla cisterna. In questo, pertanto, ma con l'aggiunta della *ratio* relativa alla *causa*, si rispecchia in qualche misura una decisione labeoniana⁸⁵. Risulta, dunque, di certo interesse il dato in virtù del quale lo scoliate pone quale criterio di legittimazione all'*actio in factum* l'incidenza di una causa interposta, criterio che può essere esteso oltre i confini della fattispecie da cui ha preso avvio il ragionamento, per assumere i contorni di una *regula* a carattere tendenzialmente generale per tutti i casi di 'perdita' senza 'distruzione'⁸⁶.

7. Simili considerazioni possono essere svolte anche con riguardo ad un altro scolio, senz'altro tardo⁸⁷. Il suo autore potrebbe, di conseguenza, non aver avuto (più) presente in modo terso la corretta ricostruzione dogmatica dell'istituto che ci occupa. Si veda, infatti,

Sch. 4 ad B. 60.3.7.2 (BS. 3096-7 = Sch. 6, Hb. V, 267): Τῷ οὐτιλίῳ Ἀκουιλίῳ, ὅτι μὴ τὸ αὐτοῦ σῶμα ἔβλαψεν, ἀλλὰ τὸ ἐτέρου. Ζήτει καὶ τιτ. β'. κεφ. α'. καὶ τὸ ἐκεῖ σχόλιον περὶ τοῦ ἐρεθίσαντος καὶ κεφ. θ'. τοῦ παρόντος τιτ. θεμ. α'. καὶ β'.

⁸⁵ D. 9.2.27.35 (Ulp. 18 ad ed., 625).

⁸⁶ Cfr., e.g., lo Sch. 25 ad B. 60.3.7.7 (BS. 3097-20 = Sch. 26, Hb. V, 296).

⁸⁷ Questa conclusione va ammessa in virtù dei rimandi interni ad alcuni κεφ[άλαια], e, in special modo, ad un altro σχόλιον di cui si riporta, *expressis verbis*, un termine-chiave: περὶ τοῦ ἐρεθίσαντος. Cfr. Scheltema 1962, p. 355 e ss.

Il principio secondo il quale, nel caso di specie, si debba concedere l'*actio utilis* contro il responsabile (come identificato in B. 60.3.7.2, a cui il commento si riconnette, anche da un punto di vista sintattico), in ragione del fatto che questi non ha danneggiato il suo corpo, bensì quello dell'altro (ὅτι μὴ τὸ αὐτοῦ σῶμα ἔβλαψεν, ἀλλὰ τὸ ἑτέρου), è aberrante – nel significato proprio del termine – dove si consideri che la fattispecie riguarda il danno prodotto da dismissione di un carico eccessivo, volontariamente, ma imprudentemente assunto. Il presupposto per la *datio actionis* in via utile non rispecchia la costruzione 'ordinaria' in materia di plebiscito aquiliano. Il commento, infatti, sostituisce l'originaria *actio legis Aquiliae* prevista per la fattispecie, tanto da D. 9.2.7.2⁸⁸, quanto dal parallelo, e almeno in questi termini sovrapponibile, passo salvato in

B. 60.3.7.2 (BT. 2750-18 = Hb. V, 267): Ὁ δὲ βάρος πολὺ βαστάζων ἐὰν ῥίψας ἢ ὀλισθήσας ἀνέλη δούλον, ὑπόκειται τῷ Ἀκουίλιῳ, ὥσπερ καὶ ὁ ἀμελῶς διὰ πηλοῦ παριῶν καὶ ζημιῶν.

La mancata piena comprensione del contenuto delle fonti appena trascritte deve aver condotto lo scoliaste alla sostituzione evidenziata (ὁ οὐτιλῖος Ἀκουίλιος al posto dell'*actio directa*), e, di conseguenza, deve averlo sospinto a individuare una *ratio decidendi* coincidente con la soluzione già vista: ὅτι μὴ – τὸ ἑτέρου.

Anche la *παραιομπή* che chiude lo *σχόλιον*, può risultare significativa per comprendere meglio il ragionamento condotto dal giurista. Quella rimanda, infatti, in primo luogo, al τιτ. β'. κεφ. α'. e, quindi, al commento περὶ τοῦ ἐρεθίσαντος. I brani che paiono rispondere a queste indicazioni risultano essere, rispettivamente,

B. 60.2.1.8 (BT. 2747-3 = Hb. V, 258): Εἰ δὲ τετράποδον ἕτερον ἐρεθίσαι τετράποδον, ὀνόματι τοῦ ἐρεθίσαντος κινεῖται

nonché il correlato

Sch. 16 ad B. *cod.* (= BS. 3083-22 = Sch. 19, Hb. V, 258): Οὐ μὴν ὀνόματι τοῦ ἐρεθισθέντος καὶ λακτίσαντος, ἀλλὰ κατὰ τοῦ δεσπότου τοῦ ἐρεθίσαντος κινεῖται ἢ κουαδροσπεδαρία.

⁸⁸ D. 9.2.7.2 (Ulp. 18 ad ed., 614). Cfr. anche Sch. 4 ad B. 60.3.7 (= BS. 3096-7 = Sch. 6, Hb. V, 267) e Sch. 149* ad B. 60.3.27 (= BS. 3137-9 = Sch. 117, Hb. V, 300).

Si tratta del caso relativo al danno causato da un quadrupede quale conseguenza della provocazione subita da parte di un suo simile, appartenente ad altro proprietario. A questo riguardo si conclude per l'evocabilità in giudizio di quest'ultimo, e non già di quello il cui animale ha materialmente provocato la *pauperies* – così come conferma in modo puntuale, con più ampi dettagli, anche lo *scholium* allegato.

Il secondo rimando concerne, invece, il passo di

B. 60.3.9 pr.-1 (BT 2752-1 = Hb. V, 270): 'Ulp. Ἡ ἰατρὶνα εἰ μὲν τῇ γυναικὶ δῶ φάρμακον, ἢ δὲ λαβοῦσα τελευτήσῃ, χάρα τῇ τὸ διπλοῦν ἀπαιτούσῃ ἀγωγῇ· εἰ δὲ χερσὶν ἰδίαις ἢ ἰατρὶνα τὸ φάρμακον ὑπέβαλεν, ὁ Ἀκουίλιος ἀρμόζει, 1. – ὥς ὅτε τις ἀλείψει τινὰ φαρμάκῳ ἢ ἐμβάλῃ αὐτὸ διὰ στόματος ἢ κλυστήρος βίᾳ ἢ συμβουλῇ.

La testimonianza riguarda il *tópos* del medicamento somministrato direttamente oppure, alternativamente, offerto dall'ostetrica, che abbia causato la morte di una schiava. Nella prima ipotesi, la responsabile potrà essere convenuta con l'*actio legis Aquiliae directa*, mentre, nella seconda, stando al tenore del testo dei Basilici, con l'azione con richiesta del doppio' – che sostituisce, in questo caso, l'originaria tutela *in factum* prevista da D. 9.2.9 pr.⁸⁹.

Come si evince indirettamente dal rimando operato dallo scolaste, le due ipotesi vengono assimilate sotto il profilo della 'causa interposta'. Il principio non pare errato, poiché si è pur sempre nell'ambito del danneggiamento provocato in forma indiretta, anche se si potrebbe osservare che il parallelismo non è del tutto compiuto. Se, infatti, si considerano le fattispecie concrete, si dovrà notare che, mentre nell'ipotesi del quadrupede che, aggredito, abbia causato *pauperies* a terzi, sembra doversi escludere un'alternativa, nel caso dell'*ancilla* – in assenza di elementi che dimostrino una forza moralmente vincolante esercitata dall'ostetrica sulla donna – emerge un dato di 'volontaria' assunzione del medicinale da parte della vittima stessa.

8. Sempre in argomento di rappresentazione bizantina dei requisiti richiesti per la concessione della tutela edittale si rinviene un escerto tratto ancora dall'opera del Hagiotheodorito:

⁸⁹ D. 9.2.9 pr. (Ulp. 18 ad ed., 614).

Sch. 23* ad B. 60.3.30.2 (BS. 3142-24 = Sch. 12*, Hb. V, 303)⁹⁰: Τοῦ Ἀγιοθεοδώριτου. Ἄδικον, φησίν, ζημίαν ἐπιζητεῖ ὁ Ἀκουΐλιος, ὥς κεφ. μθ'. θεμ. β'. Ἄδικον δέ, οὐχ ἵνα μόνον σκοπούμεν, ἐὰν ὁ ζημιωθεὶς ἀδίκως ἐστερήθῃ τοῦ οἰκείου πράγματος, ἡγουν οὐ κατὰ τοῦτο μόνον σκοποῦμεν τοῦ Ἀκουΐλιου τὴν ἄδικον ζημίαν, ἀλλ' ἵνα καὶ τὸ βλαβὲν πρᾶγμα παρὰ φύσιν βλαβῇ. Τὸ γὰρ ἀλλότριον σίτον ἢ οἶνον λαβόντα φαγεῖν καὶ πειν ζημοῖ μὲν ἀδίκως τὸν τοῦ σίτου καὶ οἶνου κύριον· ἀλλ' ἡ τοιαύτη τοῦ σίτου τε καὶ οἶνου δαπάνη τε καὶ φθορὰ Ἀκουΐλιον οὐ γεννᾷ· ἄδικον γὰρ ζημίαν, ὥστε τεχθῆναι τὸν Ἀκουΐλιον, ζητοῦμεν, οὐχ ἵνα ἀδίκως ἀπλῶς ζημωθῇ ὁ τοῦ πράγματος δεσπότης, ἀλλ' ἵνα καὶ τὸ βλαβὲν ἐκεῖνο πρᾶγμα παρὰ φύσιν ἀποφθαρεῖ· εἰ γὰρ τὸν παρόντα οἶνον ἢ σίτον μὴ οὕτω τις ἐδαπάνησεν, ὥς ἐνταῦθα, ἀλλὰ κόπρον ἐμβαλὼν ἔβλαψεν αὐτόν, ὥς ἐν τῷ ια'. θεμ. τοῦ κζ'. κεφ., τότε Ἀκουΐλιος ἐτίκτετο. Πάλιν οὖν ἐπαναληπτέον τὸν λόγον. Ἐπὶ τοῦ Ἀκουΐλιου τὴν ἄδικον ζημίαν οὐ πρὸς μόνον τὸ ζημωθὲν πρόσωπον σκοποῦμεν, ἀλλὰ καὶ πρὸς τὸ βλαβὲν πρᾶγμα, εἰ παρὰ φύσιν ἐβλάβη, ἀλλ' οὐ κατὰ φύσιν ἐδαπανήθη, ὥς ὁ ἐνταῦθα σίτος καὶ οἶνος. Καὶ σημείωσαι καὶ τοῦτο φύσιν τοῦ Ἀκουΐλιου τὸ τοιαύτην ἄδικον ζημίαν ἐπιζητεῖν.

Il brano ora riprodotto procede ad un'ampia considerazione della succinta fattispecie proposta in D. 9.2.30.2⁹¹ alla quale si adeguano i Basilici, anche nei termini di concessione dell'*actio utilis*:

B. 60.3.30.2 (BT. 2761-2 = Hb. V, 303): Ὁ ἀλλότριον οἶνον ἢ σίτον δαπανῶν οὐ δοκεῖ μὲν ἀδίκως ζημοῦν, ὑπόκειται δὲ οὐτίλα ἀγωγῇ.

Orbene, il Hagiotheodorito – a partire dal principio generale secondo cui l'Aquiliana presuppone un danno *iniuria* (ἄδικον, φησίν, ζημίαν ἐπιζητεῖ ὁ Ἀκουΐλιος)⁹² – esprime un'ulteriore percezione dogmatica del problema. Egli, infatti, afferma che l'ingiustizia non è soltanto conseguenza della privazione della *res*, a detrimento del proprietario, ma anche della lesione che il bene abbia subito παρὰ φύσιν, ossia in contrasto con la natura che gli è propria.

⁹⁰ «Hoc scholium tertia manu in Cod. 1350. scriptum est» (così avverte Hb. V, 303 nt. g).

⁹¹ D. 9.2.30.2 (Paul. 22 ad ed., 366).

⁹² Il richiamo del Hagiotheodorito a κεφ. μθ'. θεμ. β'. (frg. 49.2) si riferisce, in realtà, a B. 60.3.49.1 (BT. 2766-2 = Hb. V, 317): Ὁ Ἀκουΐλιος ἄδικον ἐπιζητεῖ ζημίαν, et rell. – poiché impiega gli stessi termini dell'*incipit* di Sch. 23*.

In virtù di questa premessa, nel ripercorrere il caso originario, si prosegue osservando che la distruzione di generi alimentari altrui, pur costituendo un'obiettivo privazione a carico del *dominus*, non darà vita a responsabilità aquiliana, se l'azione non si concretizzi in una forma di *corruptio*, ma risponda alla natura (κατὰ φύσιν) delle cose stesse. L'assunzione di cibo e di bevande soddisfa, infatti, alla natura propria di questi, che consiste tipicamente nel servire all'uomo al fine di nutrimento, in quanto siano consumati.

Diversamente si configurerà l'ipotesi in cui gli alimenti siano mischiati a liquami o ad altre sostanze che li rendano incommestibili – e, in quanto tali, non utilizzabili 'secondo' la loro natura – (ἀλλὰ κόπρον ἐμβάλων ἔβλαψεν αὐτόν...). In questo caso sorgerà, allora, la responsabilità aquiliana.

Si potrebbe concludere, dunque, che il Hagiotheodorito 'aggiunga' ai requisiti necessari per la concessione dell'*actio legis Aquiliae* (anche) il principio del danno causato κατὰ φύσιν, come operante in determinate ipotesi.

Al limite, il nodo critico che affiora da Sch. 23*, cit., è rappresentato dal fatto che non viene considerato il punto relativo alla concessione della tutela pretoria (nel caso di specie, dell'*actio utilis*) affrontato, per contro, da D. 9.2.30.2. Ma questo è, probabilmente, frutto dell'argomentazione svolta dall'*antecessor* bizantino, e che potrebbe essere stata estrapolata da chi ha redatto lo σχόλιον per collegarla a B. 60.3.30.2⁹³. È possibile, in altri termini, che il Hagiotheodorito non stesse trattando 'specificatamente' del punto processuale, mentre sicuramente intendeva proporre il concetto della piena rilevanza del danno causato 'contro la natura' della cosa.

9. Non meno rilevante si manifesta un altro testo, il quale sembra ricondurre il *thema* alla necessità di individuare l'incidenza dell'elemento psicologico intenzionale (e malvagio) nella causazione del danno:

Sch. 37 ad B. 60.3.27.11 (BS. 3126-2 = Sch. 44, Hb.V, 292):
 Ὁ γὰρ Ἀκουίλιος ἄδικον ζημίαν ἐπιζητεῖ καὶ ἀπὸ σώματος εἰς

⁹³ Si può notare, infatti, che nell'inizio di Sch. 23*, cit., è inserita, a modo di incidentale, la forma verbale φησὶν (Ἄδικον, φησὶν, ζημίαν ἐπιζητεῖ ὁ Ἀκουίλιος), chiaro indizio della scrittura del redattore dello scolio.

σώμα βλάβην γεγονέναι καὶ κακὴν διάθεσιν, ἅπερ ἀμφοτέρω συνέδοραμεν ἐνταῦθα⁹⁴.

Uno *scholium*, di poco successivo tra i testi che fungono da corredo critico a B. 60.3.27.11, si esprime in maniera non molto dissimile – tanto da far sorgere il sospetto di possibili dipendenze di pensiero dell’un commento da quello precedente:

Sch. 45 ad B. *eod.* (BS. 3126–15 = Sch. 49, Hb.V, 292): Ὅτι καὶ ἀπὸ σώματος εἰς σῶμα καὶ κακοθελῇ γνώμην ἔσχευς.

Ai fini della concessione dell’*actio legis Aquiliae*, entrambi i brani sembrano richiedere, oltre al requisito del *dannum corpori corpore datum* (καὶ ἀπὸ σώματος εἰς σῶμα...), ‘anche’ l’aver agito con animo pravo, con volontà malvagia (rispettivamente καὶ κακὴν διάθεσιν... – καὶ κακοθελῇ γνώμην...). Va pur detto che, in questo luogo, si trova espresso, in ogni caso, un concetto piuttosto ampio di dolo, poiché un altro *σχόλιον* offre la seguente precisazione:

Sch. 42 ad B. *eod.* (BS. 3126–11 = Sch. 45, Hb.V, 292): Οὐ δοκεῖ γὰρ ἐστερηῆσθαι δόλου ὁ κακοῖς χρώμενος.

Qui si allude al fatto che non deve essere considerato privo di coscienza e volontà anche colui che si avvalga di cattivi soggetti. L’allusione è rivolta agli schiavi, poiché si sta trattando di problemi legati a casi di responsabilità nossale (B. 60.3.27.11). Ma il testo bizantino giunge al risultato di forzare il caso del Digesto da cui si era partiti, che sottoponeva il colono a responsabilità per fatto ascrivibile ai suoi sottoposti (*damni eum iniuria teneri si noxios servos habuit... cur tales habuit*)⁹⁵, circostanza che, a stretto rigore, non dovrebbe essere ricondotta al dolo, bensì, al limite, alla *culpa in eligendo* ovvero *in vigilando*⁹⁶.

10. Il profilo doloso del comportamento è ribadito ancora da un’altra testimonianza, che serve, in forma indiretta, quale com-

⁹⁴ Va precisato che la prima parte dello Sch. 44 (Hb.V, 272) corrisponde allo Sch. 41 (BS.VIII, 3126): Ἵνα κδὲ τοὺς παῖσαντας.

⁹⁵ Cfr., infatti, D. 9.2.27.11 (Ulp. 18 ad ed., 623).

⁹⁶ Sebbene, infatti, l’esito concreto, in termini di responsabilità aquiliana, non risulti essere molto differente, il profilo dogmatico (*dolus – culpa*) non può essere concettualmente sovrapposto.

mento a D. 9.2.9.3⁹⁷, e, direttamente, alla parte corrispondente al testo latino salvata in

Bas. 60.3.9.2-3 (BT 2752-5 = Hb.V, 271): Ὁ λιμὴ ἀνελὼν ἱμ-
φακτοῦμ ὑπόκειται, καὶ ὁ τὸν ἵππον ἐρεθίσας τὸν ἀνελόντα τὸν
δοῦλον, καὶ ὁ δι' ἐπιβουλευομένων τόπων ἀγαγὼν τὸν ἐξ ἐτέρων
ἀναιρεθέντα δοῦλον.

Si tratta, precisamente, di

Sch. 10 ad B. eod. (BS 3101-9 = Hb.V, 272): Καὶ οὗτος γὰρ
τῷ οὐτιλίῳ Ἀκουίλιῳ ὑπόκειται, καθὼς οὐκ αὐτὸς ἐφόνευσε τὸν
δοῦλον, ἀλλὰ κατὰ δόλον ἤγαγεν ἔνθα ἦσαν οἱ ἐφεδρεῦντες.
Ζήτει τίτλον λθ'. κεφ. ιε'.

Il giurista orientale suggerisce la concessione anche (καί) dell'ὁ οὐτιλίος Ἀκουίλιος sulla base del profilo volontario dell'azione, consistente nell'aver indotto la vittima a recarsi laddove le era stata tesa un'imboscata, a causa della quale ha trovato la morte per mano di terzi.

La *ratio*, tuttavia, risulta essere poco persuasiva, poiché tale profilo non era escluso dalla logica inerente al passo di Ulpiano, che, per contro, affidava la tutela alla concessione dell'*actio in factum*. È arduo, infatti, poter negare che l'attrazione proditoria sia avvenuta senza consapevolezza dell'agente: è la stessa conformazione semantico-sintattica di D. 9.2.9.3 a non concedere molto spazio a diversa interpretazione. La proposizione *servus meus ab alio in insidias deductus, ab alio... occisus* sembra presupporre il legame tra le due distinte azioni, unificate dalla finalità comune del risultato omicida (*ab alio... ab alio...*). Né diversa conclusione pare emergere dalla morfologia di B. 60.3.9.3⁹⁸, laddove l'azione di chi conduce lo schiavo in trappola è collegata teleologicamente (oltre che sintatticamente: τὸν... ἀναιρεθέντα δοῦλον) alla sua uccisione.

Ma anche dove si volesse ipotizzare che l'agente si fosse così comportato per ingenuità (essendosi lasciato convincere dall'omicida, senza la consapevolezza che l'invito avrebbe condotto la vittima alla perdizione), va pur obiettato che, in virtù del valore

⁹⁷ D. 9.2.9.3 (Ulp. 18 ad ed., 614).

⁹⁸ Alludo al tratto ὁ δι' ἐπιβουλευομένων τόπων ἀγαγὼν τὸν ἐξ ἐτέρων ἀναιρεθέντα δοῦλον.

generalizzante del testo, non si può escludere l'ipotesi contraria che è, anzi, quella statisticamente più probabile.

È, quindi, plausibile che la soluzione avanzata dallo scoliaste sia debitrice, in realtà, della confusione (o tendenziale identificazione) tra tutela utile e tutela *in factum*, di cui spesso manifesta di soffrire la giurisprudenza bizantina⁹⁹.

Del resto, a riguardo di quest'ultima osservazione, e come avremo occasione di approfondire, la costruzione geometrica edificata in materia da I. 4.3.16 e da PT. 4.3.16, nonché da Sch. 6 ad B. 60.3.9.2, cit. – e, quindi, dal diritto giustiniano e bizantino – non sarà in grado di reggere alla prova dei fatti, e propriamente all'interno della elaborazione 'topica' della giurisprudenza bizantina¹⁰⁰.

Bibliografia

- B. Albanese (1950), 'Studi sulla legge Aquilia', in *Ann. Sem. Giur. Palermo*, 21.
- B. Albanese (1953), 'La nozione di *furtum* fino a Nerazio', in *Ann. Sem. Giur. Palermo*, 23, p. 5-210.
- B. Albanese (1960), 'Damnum iniuria datum', in *Noviss. Dig. It.*, 5, Torino: Utet, p. 110-111.
- B. Albanese (1970), 'Illecito (storia)', in *Enc. del Dir.*, 20, Milano: Giuffrè, p. 50-90.
- I. Alibrandi (1870), 'Delle azioni dirette ed utili', in *Opere giuridiche e storiche del Prof. Ilario Alibrandi* (1896), Roma: Tipografia Poliglotta, p. 149-160.
- V.M. Amaya Garcia (1993), *Coautoría y complicidad: estudio histórico y jurisprudencial*, Madrid: Editorial Dykinson.
- M. Amelotti (1989), 'Le scuole di diritto in epoca giustiniana', in M. Talamanca (ed.), *Lineamenti di storia del diritto romano*², Milano: Giuffrè, p. 692-697 = Id., *Altri scritti giuridici* (2014), Torino: Giappichelli, p. 249-254.
- V. Arangio-Ruiz (1933), *Responsabilità contrattuale in diritto romano. Corso di pandette*, Napoli: Jovene.
- V. Arangio Ruiz (1946), 'La compilazione giustiniana e i suoi com-

⁹⁹ Rimando al mio lavoro dedicato ai 'profili lessicali': cfr. Miglietta 2013.

¹⁰⁰ Si tratterà di questi problemi nel lavoro indicato sopra, nt. 73.

- mentatori bizantini (da Ferrini a noi)', in G.G. Archi (ed.), *Scritti di diritto romano in onore di Contardo Ferrini*, Milano: Hoepli, p. 81-117.
- V. Arangio Ruiz (1977), *Scritti di diritto romano*, IV, Napoli: Jovene Editore, p. 1-37.
- G.G. Archi (1980), 'Dal formalismo negoziale repubblicano al principio giustiniano *cum sit iustum voluntates contrahentium magis quam verborum conceptionem inspicere* (C.I. 8,16[17],9)', in *SDHI*, 46, 1980, p. 1-30.
- M. Artner (2002), *Agere praescriptis verbis. Atypische Geschäftsinhalte und klassisches Formularverfahren*, Berlin: Duncker & Humblot.
- J.L. Barton (1974), 'The *Lex Aquilia* and Decretal Actions', in A. Watson (ed.), *Daube Noster. Essays in Legal History for David Daube*, Edinburgh - London: Scottish Academic Press, p. 15-25.
- B. Biondi (1953), *Contratto e stipulatio*, Milano: Giuffrè.
- A. Biscardi (1968), *Lezioni sul processo romano antico e classico*, Torino: Giappichelli Editore.
- F. Brandsma (1996), *Dorotheus and his Digest translation*, Groningen: Forsten.
- B. Brugi (1910), 'Il nome dell'azione nel libello procedurale del diritto greco-romano', in *Centenario della nascita di Michele Amari*, II, Palermo: Virzi, p. 284-303.
- B. Brugi (1912), 'Dell'Azione sussidiaria in Teofilo, 1, 24, 2', in *Mélanges P.F. Girard*, I, Paris: Rousseau, p. 143-153.
- A. Burdese (1985), 'Sul riconoscimento civile dei c.d. contratti innominati', in *IVRA*, 36, p. 14-69.
- A. Burdese (1992), 'Recenti prospettive in tema di contratto', in *Labeo*, 38, p. 200-220.
- L. Burgmann (1986), 'Neue Zeugnisse der Digestensumme des Anonymos', in D. Simon (ed.), *Fontes minores*, 7, Frankfurt a.M.: Löwenklau, p. 101-116.
- L. Burgmann (1988), *Ecloga Basilicorum*, Frankfurt a.M.: Löwenklau.
- C.A. Cannata (1971), 'Genesi e vicende della colpa aquiliana', in *Labeo*, 17, p. 64-84.
- C. Castello (2002), *Scritti scelti di diritto romano. Servi - filii - nuptiae*, Genova: Accademia Ligure di Scienze e Lettere.
- P. Cerami (1995), 'La responsabilità extracontrattuale dalla Compilazione di Giustiniano ad Ugo Grozio', in L. Vacca (ed.), *La responsabilità civile da atto illecito nella prospettiva storico-comparatistica. I Congresso Internazionale Aristec 1993*, Torino: Giappichelli, p. 103-122.
- A. Corbino (2004), 'Il secondo capo della *lex Aquilia*', in O. Condorel-

- li (cur.), *'Panta rei'*. *Studi dedicati a M. Bellomo*, II, Roma: Il Cigno, p. 1-22.
- A. Corbino (2007), *'Actio directa, actio utilis e actio in factum nella disciplina giustiniana del danno aquiliano'*, in *Studi per Giovanni Nicosia*, III, Milano: Giuffrè, p. 1-43.
- A. Corbino (2008), *Il danno qualificato e la lex Aquilia. Corso di diritto romano*², Padova: Cedam.
- M.H. Crawford (1996), *Roman Statutes*, 2 voll., London: Institute of Classical Studies, University of London.
- P. De Francisci (1913-1916), *Synallagma. Storia e dottrina dei cosiddetti contratti innominati*, 2 vol., Pavia: Mattei.
- H. de Jong (2008), *Stephanus en zijn Digestenondervijis*, Den Haag: Boom Juridische uitgevers.
- F.M. de Robertis (2000-2002), *Damnum iniuria datum*, 2 voll., Bari: Cacucci.
- H. Erman (1908), *'Zur Behandlung der Aktionen in den nachklassischen Rechtsbüchern'*, in *Mélanges Fitting*, II, Montpellier: Société anonyme de l'Imprimerie générale du Midi, p. 583-599.
- G. Falcone (1998), *'Il metodo di compilazione delle Institutiones di Giustiniano'*, in *Ann. Sem. Giur. Palermo*, 45, p. 221-426.
- E.C. Ferrini (1884), *Institutionum graeca Paraphrasis Theopilo antecessori vulgo tributa*, Berlin: Calvary.
- C. Ferrini (1888-1889), *'Rec. a P. Krüger, Geschichte der Quellen und Literatur des römischen Rechts'*, in *Bull. Ist. Dir. Rom.*, 1, p. 230-233.
- C. Ferrini (1891), *'Intorno ai Digesti di Alfeno Varo'*, in *Bull. Ist. Dir. Rom.*, 4, 1891, p. 1-15.
- C. Ferrini (1901), *'Sulle fonti delle Istituzioni di Giustiniano'*, in *Bull. Ist. Dir. Rom.*, 13, p. 101-207.
- C. Ferrini (1905), *'Esposizione storica e dottrinale del diritto penale romano'*, in E. Pessina (cur.), *Enciclopedia del diritto penale italiano. Raccolta di monografie*, I, Milano: Società Editrice Libreria, 1-428.
- C. Ferrini (1929), *Opere*, II, Milano: Hoepli.
- C. Ferrini (1930), *Opere*, V, Milano: Hoepli.
- M^a.D. Flores Hidalgo (1991), *La Casuística del Furtum en la Jurisprudencia Romana*, Madrid: Editorial Dykinson.
- A. Franciosi (2007), *'Il problema delle origini del plebiscito Aquilio. Una messa a punto in tema di datazione'*, in F.M. d'Ippolito (cur.), *Φιλία. Scritti per Gennaro Franciosi*, II, Napoli: Satura, p. 935-983.
- G. Franciosi (1989), *Famiglia e persone in Roma antica. Dall'età arcaica al principato*, Torino: Giappichelli.

- F. Gallo (1992-1995), *Synallagma e conventio nel contratto. Ricerca degli archetipi della categoria contrattuale e spunti per la revisione di impostazioni moderne. Corso di diritto romano*, 2 voll., Torino: Giappichelli.
- P. Gröschler (2002), *Actiones in factum. Eine Untersuchung zur Klage-Neuschöpfung im nichtvertraglichen Bereich*, Berlin: Duncker & Humblot.
- P. Gröschler (2007), Rec. di Artner 2002, in *ZSS rom. Abt.*, 124, p. 530-545.
- P. Gröschler (2011), 'Actiones in factum e actiones utiles intorno alla *lex Aquilia*. Tra metodo interpolazionistico e anti-interpolazionismo', in M. Miglietta & G. Santucci (a cura di), *Problemi della critica testuale. Atti del 'Seminario internazionale di diritto romano' e della 'Presentazione' del terzo volume dei 'Iustiniani Digesta seu Pandectae', Digesto o Pandette dell'imperatore Giustiniano. Testo e traduzione a cura di Sandro Schipani (Trento, 14 e 15 dicembre 2007)*, p. 29-49.
- H. Hausmaninger (1996), *Das Schadenersatzrecht der lex Aquilia*⁵, Wien: Manz.
- C.G.E. Heimbach (1833-1870), *Basilicorum libri LX*, 6 vol. & Suppl., Leipzig: Barth.
- Ph.E. Huschke (1899), *Imp. Iustiniani Institutionum libri quattuor*, Leipzig: Teubner.
- P. Huvelin (1915), *Études sur le furtum dans le très ancien droit romain*, I, Paris: Rey (rist. 1968).
- P. Jörs (1935), *Römisches Privatrecht*², Berlin: Springer.
- M. Kaser (1971-1975), *Das römische Privatrecht*, 2 voll., München: Beck.
- M. Kaser (1984), 'Ius honorarium und ius civile', in *ZSS. rom. Abt.*, 101, p. 1-114.
- J. Kranjc (1989), 'Die actio praescriptis verbis als Formelaufbauproblem', in *ZSS. rom. Abt.*, 106, p. 434-468.
- P. Krüger (1963), *Institutiones*¹⁷, in Th. Mommsen & P. Krüger (ed.), *Corpus iuris civilis*²⁵, 3 voll., Hildesheim: Weidmann.
- R. La Rosa (1990), *La repressione del 'furtum' in età arcaica*, Napoli: Edizioni Scientifiche Italiane.
- F.H. Lawson (1950), *Negligence in Civil Law*, Oxford: Clarendon Press.
- S. Lazzarini (1998), 'Responsabilità extracontrattuale nel diritto romano', in *Dig. Disc. Privatistiche, sez. civ.*, 17, Torino: Utet, p. 289-295.
- O. Lenel (1927), *Edictum Perpetuum*³, Leipzig: B. Tauchnitz.
- O. Lenel (1889), *Palingenesia iuris civilis*, 2 voll., Leipzig: B. Tauchnitz.
- E. Levy & E. Rabel, *Index interpolationum quae in Iustiniani Digestis inesse dicuntur*, 3 voll. & Suppl., Weimar: Böhlau.

- J.H.A. Lokin & R. Meijering & B.H. Stolte & N. van der Wal (2010), *Thoeophili antecessoris Paraphrasis Institutionum, with a translation by A.F. Murison*, Groningen: Chimaira.
- G. MacCormack (1985), 'Aquilian Studies', in *SDHI.*, 41, p. 1-78.
- Th. Mayer-Maly (1963), 'Die Wiederkehr der culpa levissima. Diagnosen und Reflexionen zur Lehre von Fahrlässigkeitsstufen', in *Arch. f. civ. Praxis*, 163, p. 114-136.
- Ph. Meylan (1919), *Origine et nature de l'action praescriptis verbis*. Thèse Univ. Lausanne.
- M. Miglietta (2001), *Servus dolo occisus. Contributo allo studio del concorso tra actio legis Aquiliae e iudicium ex lege Cornelia de sicariis*, Napoli: Jovene.
- M. Miglietta (2004), 'Logiche di giuristi romani e bizantini a confronto in materia di stima aquiliana delle *causae corpori cohaerentes*', in G. Ferrari & M. Manzin (ed.), *La retorica tra scienza e professione. Questioni di metodo*, Milano: Giuffrè, p. 221-288.
- M. Miglietta (2007a), 'Lex Aquilia', in H. Heiner (ed.), *Handwörterbuch des antike Skleverei*, CD-Rom I, Stuttgart: Steiner.
- M. Miglietta (2007b), 'Riflessioni intorno a Bas. 23.1.31.1: problemi testuali e prospettive di giuristi bizantini', in L. Garofalo (ed.), *La compravendita e l'interdipendenza delle obbligazioni nel diritto romano*, II, Padova: Cedam, p. 689-738.
- M. Miglietta (2010), *Servius respondit. Studi intorno a metodo e interpretazione nella scuola giuridica serviana. Prolegomena*, I, Trento: Dipartimento di Scienze Giuridiche, Università degli Studi di Trento.
- M. Miglietta (2010-2011), 'Reflexiones en torno al título III, libro IV, de la Paráfrasis de Teófilo en materia de daño extracontractual (*Lex Aquilia de damno iniuria dato*)', in *Sem. Compl. Der. Rom.*, 23-24, p. 347-364.
- M. Miglietta (2012), 'Il terzo capo della lex Aquilia è, ora, il secondo. Considerazioni sul plebiscito aquiliano alla luce della tradizione giuridica bizantina', in *Ann. Sem. Giur. Palermo*, 55, p. 401-440.
- M. Miglietta (2013), 'Trasmissione del testo e giurisprudenza bizantina: la tutela pretoria da Dig. 9.2 a Bas. 60.3 - Profili lessicali', in *Sem. Compl. Der. Rom.*, 26, p. 273-326.
- I. Molnár (1989-1990), 'System der Verantwortung im römischen Recht der späteren Republik', in *Bull. Ist. Dir. Rom.*, 92-93, p. 545-615.
- D. Nörr (1986), *Causa mortis. Auf den Spuren einer Redewendung*, München: Beck.
- P. Pieler (1978), 'Rechtswissenschaft', in H. Hunger (ed.), *Die hochsprachliche profane Literatur der Byzantiner*, II, p. 341-480.

- I. Piro (2004), *Damnum 'corpore suo' dare – rem 'corpore' possidere. L'oggettiva riferibilità del comportamento lesivo e della possessio nella riflessione e nel linguaggio dei giuristi romani*, Napoli: Edizioni Scientifiche Italiane.
- F. Pringsheim (1946), 'Enantiophanes', in *Seminar*, 4, p. 21-44.
- F. Pringsheim (1951), 'Enantiophanes', in *Bull. Ist. Dir. Rom.*, 55-56 'post bellum', p. 302-322.
- F. Pringsheim (1961), *Gesammelte Schriften*, I-II, Heidelberg: Carl Winter.
- G. Rotondi (1922a), 'Teorie postclassiche sull'*actio legis Aquiliae*', in E. Albertario (ed.), *Studi di diritto romano delle obbligazioni*, II, Milano: Hoepli, p. 411-464.
- G. Rotondi (1922b), 'Dalla *lex Aquilia* all'art. 1151 Cod. Civ.', in E. Albertario (ed.), *Studi di diritto romano delle obbligazioni*, II, Milano: Hoepli, p. 465-578.
- H.J. Scheltema (1962), 'Subseciva III. Die Verweisungen bei den frühbyzantinischen Rechtsgelehrten', in *TR.*, 30, p. 355-357.
- H.J. Scheltema (1977), 'Das Kommentarverbot Justinians', in *TR.*, 45, p. 307-331.
- H.J. Scheltema (2004), *Opera minora ad iuris historiam pertinentia*, Groningen: Chimaira.
- S. Schipani (1969), *Responsabilità 'ex lege Aquilia'. Criteri di imputazione e problema della 'culpa'*, Torino: Giappichelli.
- A. Schminck (1991a), 'Anonymous, *Enantiophanes*', in *Oxford Dict. of Byzantium*, I, New York – Oxford: Oxford University Press, p. 107-108.
- A. Schminck (1991b), 'Theodorus', in *Oxford Dict. of Byzantium*, III, New York – Oxford: Oxford University Press, p. 2046-2047.
- A. Schminck (1991c), 'Theophilus', in *Oxford Dict. of Byzantium*, III, New York – Oxford: Oxford University Press, p. 2065-2066.
- F. Schulz (1968), *Storia della giurisprudenza romana*, Firenze: Sansoni.
- W. Selb (1984), 'Formulare Analogien in *actiones utiles* und *actiones in factum* vor Julian', in *Studi in onore di Cesare Sanfilippo*, 5, Milano: Giuffrè, p. 727-759.
- F. Serrao (2009), 'Uomini d'affari, *adstipulatores*, *lex Aquilia* alla fine del III secolo a.C.', in *Studi in onore di Remo Martini*, III, Milano: Giuffrè, p. 559-607.
- R. Scevola (2012), '*Utilitas publica*', II. *Elaborazione della giurisprudenza severiana*, Padova: Cedam.
- C. Spulber (1937), 'Qui fuit Enantiophanes', in *Arch. Hist. Droit Orient.*, 1, 1937, p. 307-319.

- B.H. Stolte (1985), 'The Digest Summa of the Anonymus and the *Collectio Tripartita*, or the Case of the Elusive Anonymi', in *Subseciva Groningana*, II, 1985, p. 47-58.
- M. Talamanca (1990a), *Istituzioni di diritto romano*², Milano: Giuffrè.
- M. Talamanca (1990b), 'La tipicità dei contratti romani fra *conventio* e *stipulatio* fino a Labeone', in F. Milazzo (ed.), *Contractus e pactum. Tipicità e libertà negoziale nell'esperienza tardo-repubblicana. Atti Convegno internazionale diritto romano Copanello 1988*, Napoli: Edizioni Scientifiche Italiane, p. 35-108.
- J.A.C. Thomas (1968), 'Animus furandi', in *IVRA*, 19, 1968, p. 1-32.
- G. Valditara (2004), 'Dalla *lex Aquilia* all'art. 2043 del codice civile', in F. Milazzo (ed.), *Diritto romano e terzo millennio. Radici e prospettive dell'esperienza giuridica contemporanea. Atti Convegno internazionale diritto romano Copanello 2000*, Napoli: Edizioni Scientifiche Italiane, p. 173-238.
- G. Valditara (2005), *Damnum iniuria datum*², Torino: Giappichelli.
- P. Voci (1946), *La dottrina romana del contratto*, Milano: Giuffrè.
- N. van der Wal (1978), 'Die Juristennamen in der Digestensumme des Anonymos', in *TR.*, 46, p. 147-149.
- N. van der Wal (1980), 'Wer war der *Enantiophanes*?', in *TR.*, 48, p. 125-136.
- A. Watson (1966), 'D. 7.1.13.2 (Ulp. 18 ad Sab.): the Lex Aquilia and decretal actions', in *IVRA*, 17, p. 174-178.
- K.E. Zachariä von Lingenthal (1844), 'Rec. a Mortreuil, *Histoire du droit Byzantin*, I', in *Krit. Jahrb. f. deutsch. RWiss.*, 8.16, p. 794-828.
- P. Zepos & P. Zepos (1931), *Jus graecoromanum*, 8 vol., Athen: Fexis (rist. 1962).
- P.J. Zepos (1960), 'Die byzantinische Jurisprudenz zwischen Justinian und den Basiliken', in *Berichten zum XI. Internationalen Byzantinisten-Kongress München 1958*, München: Beck, p. 1-27.
- A. Zocco Rosa (1908-1911), *Imp. Iustiniani Institutionum Palingenesia*, 2 voll., Catania: Istituto di Storia del diritto romano.

JOSÉ-DOMINGO RODRÍGUEZ MARTÍN
Madrid

LOST AND FOUND: ON THE RECOVERY OF FORGOTTEN CLASSICAL INSTITUTIONS IN EARLY BYZANTINE LEGAL TEXTS*

1. Methodological Questions on the Edition of Roman Legal Texts

After the methodological discussions of the 19th and 20th centuries on the critical edition of early Byzantine legal texts, and more specifically of those included in Justinian's compilation, the question of the right procedure to achieve an acceptable archetype remains open. Even the feasibility of the concept of 'archetype' itself in the field of Roman legal texts is under discussion. Furthermore, this problem cannot be diverted from that of the recovery of the classical legal texts that provide the foundation for the great Byzantine compilations, from the *Corpus Iuris* to the *Basilica*.

In this sense, this Symposium debated on the proceedings of 'integrative composition' and 'integrative excerptation' in the composition of Byzantine works. Especially in relationship with legal texts mention was made of the question of the 'dossiers and compositions' underlying the genesis of the final work. Obviously, although the methods of compilation of both the *Corpus Iuris* and the *Basilica* could somehow match these models – since both of them consist in the selection, excerptation and adaptation of previous materials coming from many and diverse authors – it is clear that the existence of essential information such as official prologues provides us with clear knowledge of the intention of

* This study has been made possible by the funding provided by the Spanish research project FFI2009-07963.

their respective compilers. This fact makes them appear to be more suitable for an edition based on traditional textual criticism than for the *Quellenforschung* that was debated in the Symposium.¹

But the question is not so easy, since there are many obstacles that complicate the application of textual criticism when dealing with the great legal Byzantine compilations. First of all, given that the classical jurisprudence is at the centre of Roman private law and therefore forms the core of both codifications, the fact that almost all works of classical Roman jurists have been transmitted exclusively through Justinian's compilation undoubtedly conditions the philological approach to these previous sources. Justinian preserved that unique treasure of legal science – a compilation of the best intellectual products of human reflections on justice and civil organization of daily social life – but, on the other hand, the systematic interpolation of the texts ordered by him may have transmitted a modified version of many of the original works.

Therefore, the impossibility of the desirable *collatio* of manuscripts other than those containing Justinian's version (for apart from the well-known exception of the *Institutes* of Gaius there are almost no pre-Justinianic manuscripts to turn to)² has been the major obstacle for a proper critical edition of the classical legal sources according to the orthodox rules of Lachmann and his followers.

Furthermore, even the search for an archetype in the case of Justinian's compilation itself in order to recover at least the early Byzantine version of the classical legal texts has its own particular problematic: as Mommsen prepared his magnificent *Editio Maior* of the Digest,³ he stated that the numerous manuscripts of Justinian's work at his disposal – mainly the Italian copies from both the High and Low Middle Ages – came from a common precedent, a lost manuscript called the *Codex S[ecundus]*. And this lost Codex seemed to come from a valuable manuscript conserved

¹ As proposed for example by Ljubarskij 1998.

² On the problem of the critical edition of classical legal texts transmitted outside the *Corpus Iuris* see Wieacker 1988, p. 133–137.

³ Mommsen 1870. This work was the basis for his subsequent edition of the whole *Corpus Iuris*: Th. Mommsen, P. Krüger, W. Kroll & R. Schöll 1895.

in Florence: the well-known *Littera Florentina*,⁴ a copy from the 6th century.⁵ Mommsen based his *Editio Maior* mainly on this manuscript, and although many corrections and conjectures were included in the apparatus, he excluded many significant manuscript testimonies that contradicted the Florentine copy, which was therefore conceived as a valid archetype. Indeed, since the manuscript belonged to the same century as Justinian, concepts like ‘archetype’ and ‘original work’ became almost synonymous.

Consequently, the possibility of an exhaustive *Textforschung* on Roman legal sources – in both their classical and Byzantine versions – is highly restricted due to the lack of other manuscript versions with which to compare. Mommsen worked under the pristine rules of the earliest textual criticism (by which archetype and oldest manuscript testimony were made almost equivalent), but still today the scarcity of further valuable textual testimonies limits the application of pure textual criticism in an almost dramatic way.

Nevertheless, it was soon remarked that the application of orthodox textual criticism by Mommsen left aside the significance of plausible contaminations between different *stemmata*,⁶ and especially of those of the so-called *Vulgatüberlieferung*.⁷ It is therefore necessary to think of a horizontal transmission as being more likely than a vertical transmission, to such an extent that it has been said with reason that the bare concept of ‘archetype’ could even be useless when dealing with the Digest.⁸

⁴ A photographic facsimile of the *littera Florentina* was provided by Corbino & Santalucia 1988; review of Nörr 1988, p. 121–136, who notes the failings of the *collatio* of the *Florentina* by Kießling & Reifferscheid despite their accurate work (Nörr 1988, p. 129).

⁵ According to Kunkel & Schermeier 2005, p. 305, it could have been made in Constantinople, but the question has been nevertheless always disputed: for example from Kantorowicz 1909, p. 192 ff., to Kaiser 2001, p. 160, n. 100. See Signes & Andrés 2007, pp. 36–37, with commented literature.

⁶ Soon Kantorowicz 1909 revealed that the writer of the *Codex S* did use other sources different than the *littera Florentina*, which forces to a revision of Mommsen’s edition taking into account possible contaminations in the transmission.

⁷ On the *Vulgatüberlieferung* Nörr 1988, p. 136 underlines the importance of the materials used for the confection of the ‘Old’ Digest edition of Gebauer & Spangenberg of 1776, which should be used along with Mommsen’s *Editio Maior*.

⁸ As Nörr 1988, p. 134 explained: ‘Was das Problem des Archetypus betrifft, so ist es eines der wesentlichsten Ergebnisse der neueren Forschung, daß für

Therefore, textual criticism had to be completed with further methodological techniques: the analysis of the formal and material characteristics of the conserved legal fragments in order to detect the points in which the Byzantine compilers altered the classical texts. This parallel methodological approach offered many opportunities for enriching the critical edition of the sources, but the excesses of its hypercritical application, combined with the lack of manuscripts to check the validity of the hypothesis, sometimes led to the complete exclusion of many of our scarce textual testimonies. They were considered corrupted texts, since they were unable to reach the high stylistic, formal and material standards demanded by the scholars to grant them the certificate of textual purity.

Thus the euphoria of the so-called *Interpolationenjagd* also had to be steered towards a more realistic approach, channelling the hermeneutic on the early Byzantine compilation by means of some new methodological premises. First of all, the statement that many of the alterations detected in Justinian's compilation were due to earlier postclassical interpolations.⁹ Secondly, an hermeneutical conservatism¹⁰ in the critical study of the legal sources was called for, conceiving a text as interpolations-free unless strong cross evidence suggested otherwise, under the assumption that many of the 'imperfections' detected among the works of the classical jurisprudence were probably due to a more colourful and diverse conception of their legal system, and not to a subsequent textual alteration.¹¹

Nevertheless, the problem remains the same: we must not forget that many of the texts transmitted through Justinian's compilations may have been altered, with no parallel manuscripts to check them against.

die Digestenüberlieferung dieses Konzept – sei es prinzipiell (Fehlen eines Archetypus) sei es aus praktischen Gründen (fehlende Wiederstellbarkeit) – nicht brauchbar ist'.

⁹ Wieacker 1960, but already Schulz 1946, p. 168, 199, 280–281.

¹⁰ See Kaser 1972, and specially 1986 p. 112–154, in discussion with Wieacker's postulates. On the methodological positions defended by Max Kaser see Knütel 1998.

¹¹ As explained by Kunkel & Schermeier 2005, p. 309, understanding that modern jurists find it difficult to conceive a legal system open to contradictions and variations solves the methodological problem; this hermeneutical prejudice may result in a wrong appreciation of the reality of the classical jurists' daily work.

Given this starting point, and according to the methodological premises mentioned above, the search for proof of undoubted interpolations has to rely on other techniques such as *Quellenforschung*. This research approach flourished from the 1960's onwards, and was oriented to the revision of the transmission of Justinianic legal works, focusing on the possible contaminations in the transmission of the legal manuscripts.¹²

As such, the study of how the materials used for Justinian's compilation were transmitted throughout the later Byzantine legal literature, and especially those included in the so-called 'Old Scholia' to the *Basilica*, is extremely useful for undertaking this task.¹³ Since the oldest of these commentaries on Justinian's work come directly from the 6th century, these *Kettenkommentare* offer precious information about the content of the classical texts used by the compilers.¹⁴ Moreover, the scholiasts sometimes comment on what was included in the jurists' texts *before* the intervention of Justinian. Thus this information allows us to recapture if not the original version of the classical works, at least the version used in the eastern Law Schools at the time of Justinian. And if the archetype of the work of a jurist in its classical shape is almost impossible to achieve, at least it is easier to establish its actual redaction by the time of Justinian.

According to the roles assigned by the organizers of this Symposium, the present paper aims to illustrate this methodological approach by means of a practical example of *Quellenforschung* applied to the reconstruction of a classical legal text in which Byzantine *scholia* – apart from literary and legal pre-Justinianic

¹² Miquel 1963 proposed that corrections to the legal manuscripts were incorporated even in Justinian's time, but these corrections did not reach the *littera Florentina*; they are to be found in the second edition of the *Codex S* and in the *Vulgatüberlieferung*. See also the results of the congress *Le Pandette di Giustiniano* (Archi et al. 1986) held on the occasion of the exposition of the *littera Florentina*; Archi 1985; Matonvani 1987; Ricart 1987; Kaiser 2001. On the methodology on the transmission of ancient legal texts see Wieacker 1988, p. 112–182 (qualified as 'großartige Synthese' by Nörr 1988, p. 123).

¹³ On the value of Byzantine legal sources for the recovery of previous Roman legal texts see Andrés Santos (in this volume, p. 419 ff.), and especially Van Bochove on the *Basilica* (in this volume, p. 539 ff.).

¹⁴ On their methodological importance see for example Riccobono 1908, Guarino 1946, Scheltema 1957, Pringsheim 1963, and Pieler 2008.

sources – play a definitive role in order to reveal the sources underlying Justinian’s version of the text.

2. *Checking the Justinianic Version of an Ulpianian Text*

The case selected for this paper is taken from a research I conducted some time ago while studying the possibility of appeal against illegal judicial decisions in classical Roman law of actions. More precisely, the object of the research was the so-called *in duplum reuocatio*.¹⁵ In order to clarify the legal meaning of the texts we will be dealing with in this paper, a previous, brief explanation of this institution could be useful.

Given the impossibility of attacking the judgment in classical Roman procedure,¹⁶ the doctrine had discussed the strange absence of a procedural resource that might, under extraordinary circumstances, entitle the offender to question the validity of the sentence in the event that he subsequently found that the judge had acted under pressure or bribe.

¹⁵ Rodríguez 2004, p. 187–209.

¹⁶ While appeals were generally permitted under the imperial procedure (*cognitio extra ordinem*), in the classical Roman law of actions (*per formulas*) there was no remedy of appeal against a sentence: once the decision was passed, the convict had no legal possibility of opposition. Since the two contending parties had chosen the judge by agreement, they could not argue his decision afterwards, and thus the judge’s opinion (*sententia*) instantly became final and irrevocable. The only recourse for a convict that may have had strong reasons to oppose the judgment was refusal to fulfill the sentence, in which case the winning party had to ask the magistrate for compulsory execution of the sentence (*actio iudicati*). Given that carrying out the sentence required a previous hearing in the presence of the *praetor*, the condemned party had an opportunity to justify to the magistrate his refusal to fulfill it; and in case he were able to prove the procedural defects that polluted the sentence – such as bribing the judge – he could avoid its fulfillment. This defensive measure was therefore the only way to attack the validity of a judge’s decision, and at high risk: in order to prevent procedural recklessness on behalf of the convicted party, or simply to avoid unjustified delays in its execution, it was established that the offender should pay the double (*duplum*) of the amount he was condemned to, should he prove to lack valid arguments. Therefore, the convict was defenseless in the event that he discovered that the judge had been bribed or pressured *after* having paid what he was sentenced to: once the judgment was fulfilled, there would obviously be no place for an execution procedure, and thus the convict would have no way to defend his position in the presence of the magistrate. For further legal and procedural details see Rodríguez 2004, p. 198–209.

The lack of such a remedy of appeal in those clearly unfair cases may seem somehow shocking, even under the strict conception of the classical Roman *sententia*, which always excluded appeal. And thus it has been always a matter of discussion whether the lack of such an extraordinary remedy of appeal against invalid sentences was really founded on that conception, or rather if the absence of news about it in the texts was due to a later modification of the classical legal texts by Justinian.¹⁷

Some dispersed and unexplained references to a mysterious procedural institution called '*in duplum reuocatio*' – which seemed to apply to these extraordinary cases – provided basis for that suspicion: these scarce hints were to be found in both legal and literary sources, but no trace of such an institution was to be found in any of the classical jurisprudential texts transmitted by Justinian.

At that moment the aim of my research was to conduct a strictly legal analysis in order to recover and identify the concrete procedural characteristics of this Roman procedural institution. But as we will see now, the reconstruction of the classical institution by the scholars was made possible by careful research on the sources of a text of Ulpian that had been altered by Justinian, and by combining the results with the study of the state of the critical editions of the passage, its sources and its commentaries. Hence the philological aspects of this research could be useful to illustrate the research topic proposed in this Symposium.

The selected text reads as follows:

Si post rem iudicatam quis transegerit et soluerit, repetere poterit idcirco, quia placuit transactionem nullius esse momenti: hoc enim imperator Antoninus cum diuo patre suo rescripsit. Retineri tamen atque compensari in causam iudicati quod ob talem transactionem solutum est, potest. Quid ergo si appellatum sit uel hoc ipsum incertum sit, an iudicatum sit uel an sententia ualeat? Magis est, ut transactio uires habeat: tunc enim rescriptis locum esse credendum est, cum de sententia indubitata, quae nullo remedio adtemptari potest, transigitur (D.12,6,23,1,Vlp. 43 *ad. Sab.*).

If someone settles after judgment and pays, he can still recover because it has been held that the settlement is invalid.

¹⁷ See Apelt 1936, p. 122–124; Koschaker 1938, p. 362; Medicus 1964, p. 289.

That is what was held by a rescript of the Emperor Antoninus and his deified father. Yet the payment made under such a settlement is subject to rights of retention and set-off in any action upon the judgment. What if there is an appeal or the very thing about which there is doubt is whether judgment was given or whether the decision is valid? The better view is that the settlement then takes effect. For it ought to be understood that the area in which the rescript operates is where there is a settlement following a judgment which is undoubted and by no means open to challenge (*D.12,6,23,1, Vlp. 43 ad. Sab.*).¹⁸

The paragraph belongs to the 43rd book of Ulpian's Commentary on Sabinus, and was included by Justinian in the 6th Title of the 12th Book of his *Digest* (*De condictione indebiti*).

The text belongs to a long fragment (*D. 12,6,23pr.-4*) in which Ulpian discusses a great variety of cases in which doubts arise as to whether the money already paid can be recovered or not. In this concrete example of paragraph §23,1, Ulpian focuses on the case when someone settles ('*transactio*') after judgment and pays ('*si post rem iudicatam quis transegerit et soluerit*'). According to an imperial rescript, he can still recover his money because it has been held that after the sentence no settlement is allowed.¹⁹

But especially interesting for the classical jurist is the case in which there is an appeal (*si appellatum sit*) or, even more, when there is doubt (*hoc ipsum incertum sit*) whether the judgment itself was actually given (*an iudicatum sit*) or whether the decision is valid (*an sententia ualeat*). If the sentence may be revoked or annulled, would the settlement then be valid? In those cases, Ulpian thinks that the better view is that the settlement takes effect: 'For it ought to be understood that the area in which the rescript operates is where there is a settlement following a judgment which is undoubted and by no means open to challenge' ('*tunc enim rescriptis locum esse credendum est, cum de sententia indubitata, quae nullo remedio adtemptari potest, transigitur*').

¹⁸ English translation by P. Birks, in Watson 1985.

¹⁹ See Kaser & Hackl 1996, p. 378, n. 28. The obligation established in the *iudicatum* cannot be annulled by a settlement unless an appeal can be lodged, according to *D. 2,15,7 pr.*: (Vlpianus 7 *disp.*): '*Et post rem iudicatam transactio ualeat, si uel appellatio intercesserit uel appellare potueris*'.

This is the content of the Justinianic version of the text. However, as mentioned above, because this paragraph of Ulpian has arrived to us by means of Justinian's compilation, the researcher should always be aware of the danger of hypothetical interpolations. So coming to our point, the question of the authenticity of the text has to be posed.

Without falling into the excesses arising from the euphoria of detecting interpolated passages as discussed above, and therefore avoiding falling into hypercriticism, it is nevertheless wise to check the validity of every piece of information contained in the great Byzantine compilation.

After checking the critical notes of Mommsen and Krüger in different editions²⁰ and having compared the edited text directly with the Florentine manuscript of the Digest, it is no longer possible to proceed with the *collatio* of this fragment with any singular manuscripts of Ulpian's works as is commonplace in almost all texts of Roman classical jurisprudence.

Nevertheless, *D.* 12,6,23,1 has always been suspected of being interpolated for many reasons. But the lack of manuscripts to compare with had to be compensated in two ways: first of all, the text was submitted to a critical analysis of its stylistic redaction through a search for Justinianic vocabulary that may betray the compilers' intervention.²¹

Secondly, Ulpian's argumentation was subjected to a logical and legal dissection in order to determine whether his reasoning leads to a logically acceptable solution or not. The positions among scholars vary from a drastic reduction of the text after considering that the greater part of the text was interpolated by the Byzantines²² to those who only consider some sentences of it

²⁰ Only Th. Mommsen & P. Krüger 1868 include a critical remark on this text: Manuscripts *P* (Parisinus 4450) and *V* (Vaticanus 1406), both containing *Digestum Vetus*, read: '*cum sententia indubitata*'.

²¹ Biondi 1927, p. 195, considered that terms like *talīs*, *quid ergo*, *magis est*, *uires*, *tunc enim* or *adtemptari* were characteristic of Byzantine Latin. In Biondi 1965, p. 481, it is said that Ulpian prefers to use the classical expression *post rem iudicatam*, while Justinian always speaks of *sententia*. As said, these different linguistic usages would betray the intervention of the compilers. Furthermore, Biondi explains *ibidem* (n. 2) that the original classical discourse would use *iudicatum* or *prouocatio*, such as in *D.* 12,15, 7pr., and *eod.* 11.

²² Biondi *ibidem* states that the possibility of a *repetitio* and a *retentio* in the same text leads to a legal contradiction. On p. 179 ff. he studies the interest of the

to be suspicious,²³ or those who acknowledge the basic authenticity of the text even in its Justinianic version.²⁴

In order to support these results, a contextual and systematic analysis was also carried out.²⁵ According to some methodological positions, a wider view of the legal sources would provide the instruments to establish a rule by means of which even a serial interpolation could be detected.²⁶

Logically, in contrast to this aim to generalize the suspicion of interpolation, there have also been more conservative methodological proposals regarding both linguistic and systematic aspects of the text.²⁷

The conclusions of all these different kinds of critical analyses would lead to a great variety of results. According to some of them, the text as transcribed above would only show the early Byzantine version of Ulpian's original, which could have been

compilers in the *retentio* and *compensatio*. Crossing the results of both his linguistic and logical analysis, Biondi concludes that after '*retineri...*' the whole paragraph was interpolated. Solazzi 1950, p. 134 n. 84 follows this argument, as does Litewski 1964, p. 244 n. 46. Melillo, p. 310, works only with the first part of the text ('*Si post rem... rescipsit*').

²³ Peterlongo 1936, p. 93-96 agrees with Biondi's reasoning, but reduces the extension of the interpolated text: from '*retineri...*' to '*... potest*' as do Orestano 1953, p. 402 (who nevertheless suspects that other parts of the text could also have been interpolated) and Litewski 1964, p. 236.

²⁴ La Rosa 1956, p. 173 n. 31, admits the text could have been epitomized, but refuses to consider that any part of the existing version has been interpolated. She argues that there is no contradiction between the exclusion of the *transactio* and the possibility of a *retentio*; the apparent rupture of Ulpian's cogent statement at the beginning of the text by the offer of a possible *retentio* would only be 'una soluzione più agile' offered by the jurist.

²⁵ This was done by contrasting the text to the next paragraph (§2) of the fragment, in which the possibility of a *repetitio* is also offered: 'Item si ob transactionem alimentorum testamento relictorum datum sit, apparet posse repeti quod datum est, quia transactio senatus consulto infirmatur'.

²⁶ Such is the idea of Biondi 1965, p. 481 ff., for he establishes that all legal texts in the Digest which talked abstractly about the nullity of the sentence without expressing its consequences should be considered as interpolated. That means not only our *D.* 12,6,23,1, but also *D.* 2,2,1,2; 12,6,23,3; 24,1,5,7; 42,1,4,6; 42,1,57; 49,8,1,3; 49,8,2,1 and *C.* 7,64,1-2 pr.

²⁷ Raggi 1965, p. 293 n. 55, thinks that the expression '*uel hoc ipsum incertum sit, an iudicatum sit uel an sententia ualeat*' is very similar to that used by Ulpian in another fragment (*D.* 2,15,11: '*si negetur iudicatum esse uel ignorari potest, an iudicatum sit*') or by other classical jurists such as Macer: (*D.* 49,8,1, pr., '*iudicatum sit nec ne*'). Therefore it would not be valid proof of a Justinianic intervention.

reduced significantly in its classical redaction; others instead prefer to defend its originality, while remaining cautious.

Therefore, the final edition of a text such as *D. 12,6,23,1* would vary according to these premises. The following alternatives are therefore proposed:

- a) From ‘*retineri...*’ to the end the text is interpolated, and thus only the first two statements of the fragment would be genuine: ‘*Si post rem iudicatam quis transegerit et soluerit, repetere poterit idcirco, quia placuit transactionem nullius esse momenti: hoc enim imperator Antoninus cum diuo patre suo rescripsit*’;
- b) Only one specific addition was made to the original text: the sentence ‘*retineri... potest*’. Further modifications are nevertheless not to be excluded.
- c) Given the inconsistencies in its content, the text might indeed have been epitomized, but the actual Justinianic version is basically equivalent to the classical one.

As we can see, even the most conservative proposals for the edition of *D. 12,6,23,1* admit that the question of a possible intervention of the Byzantine compilers must remain open, and that further evidence is needed to clarify the original redaction of Ulpian’s text.²⁸

3. The ‘Old Scholia’ and the Sources of *D. 12,6,23,1*.

To find the best version of *D. 12,6,23,1*, the next methodological step should be the comparison of its Justinianic redaction with the information provided by other sources. As said above, the *Kettenkommentare* that were incorporated to the editions of the *Basilica* provide not only very interesting information about the materials with which the compilers of Justinian worked, but also, on some occasions, include precious details about the actual classical version of the texts before their inclusion in the *Corpus Iuris*.

²⁸ See Kaser & Hackl 1996, p. 614 n. 1.

Book 12, Title 6 in both legal and literary sources of the *Digest* provided the raw material for the composition of Book 24, Title 6 of the *Basilica*: Περί τοῦ μὴ χρεωστοῦντος, καταβαλόντος δὲ καὶ ἀπαιτοῦντος, ὃ κατέβαλεν. More precisely, *D.* 12,6,23 corresponds to *Bas.* 24,6,23, and paragraph §1 of the Latin version was adapted to the Greek as follows:

Μετὰ ψήφον ἐρρωμένην οὐκ ἰσχυρῶς τις διαλύεται· ἐὰν οὖν τις ἐπὶ τῇ τοιαύτῃ διαλύσει τι δῶ, ἀναλαμβάνει, μᾶλλον δὲ τὸ δοθὲν καταλογίζεται εἰς τὴν ἱκανοδοσίαν· εἰ δὲ μετὰ τὴν ψήφον παρηκολούθησεν ἔκκλητος ἢ ἀμφιβάλλεται, εἰ ὅλως ἐψηφίσθη ἢ ἐὰν ἥρρωται ἢ ψήφος, ἰσχύει ἡ διάλυσις.

It appears clearly that the Greek version of Ulpian's text transmitted in the *Basilica* is no more than a brief translation of the fragment transmitted in the *Digest*.²⁹ Thus the compilers of the *Basilica* basically accepted Justinian's version of the text with no further adaptation apart from the omission of the reference to the rescript of the two classical emperors.

So the search must go on. Where else can we look? A good idea would be to look for similar texts to that of Ulpian in order to find information about the actual regulation of settlements in his time.

So let us start with *C.* 2,4,32, which is commonly quoted together with *D.* 12,6,23,1, for it contains the same prohibition of a *transactio* once the sentence is passed:

Si causa cognita prolata sententia, sicut iure traditum est, appellationis uel in integrum restitutionis sollemnitate suspensa non est, super iudicato frustra transigi non est opinionis incertae. Proinde si non Aquiliana stipulatione et acceptilatione subsecuta competentem tibi actionem peremisti, praeses provinciae usitato more legum rebus pridem iudicatis effectum adhibere curabit (*Diocl. et Maxim. Cirillo*, a. 294).

This fragment belongs to the wider group of texts regarding the question of the validity of the *transactio* after the judgment in the

²⁹ Heimbach's translation into Latin reads as follows: 'Post sententiam ualidam non recte quis transigit. Si qui igitur ob talem transactionem aliquid dederit, repetit: aut certe datum compensatur in causam satisfactionis. Si uero post sententiam appellatio secuta sit, uel dubitetur, an omnino iudicatum sit, uel an sententia ualeat, transactio ualeat' (Hb. III, 34).

case of an appeal, just as *D.* 12,6,23,1.³⁰ As in this latter case, there have been discussions among scholars regarding the possible interpolation of *C.* 2,4,32 by Justinianic compilers: not only is the sentence ‘*appellationis... non est*’ assumed to be an insertion,³¹ but it is also highly suspicious that the last words of the constitution are to be found literally in a previous one by Gordian.³² As is often the case, there has been academic resistance to these opinions,³³ which is based, among other reasons, on the classicist character of Diocletian’s legislation, who included many of the legal principles of the previous era in his constitutions. In other words, there are plenty of reasons to also check this text against its later Byzantine version in the *Basilica* and its *scholia*.

In this case the Greek version of the constitution in the *Basilica* (*Bas.* 11,2,49) also remains faithful to the Justinianic redaction.³⁴ But the interesting point is that *Bas.* 11,2,49 is accompanied by a *scholion* attributed to Thalelaeus. Here the results are widely satisfactory as this Byzantine commentary not only mentions *D.* 12,6,23,1, but also adds some precious information for the reconstruction of its original classical redaction³⁵. The *scholion* reads as follows:

Δύο μόνας αἰτίας, ὡς ὀράς, ὑπεξεῖλε ἡ διάταξις, ἐξ ὧν ἐπιτρέπει καὶ μετὰ ἀπόφασιν διαλύεσθαι, τῷ τῆς ἐκκλήτου λόγῳ καὶ τὴν τῆς ἀποκαταστάσεως. Οἶδας δέ, ὅτι ἐν τῷ α΄. τῶν δὲ ῥεβους βιβ. τιτ. ζ΄. διγ. κγ΄. καὶ ἄλλας εἶπεν, ὡς τὴν τῆς ἰν duplum rebocatioῖνος καὶ τὴν τοῦ ἐλλόγως ἀμφιβάλλεσθαι, εἰ γέγονεν ἀπόφασις ἢ μὴ γέγονεν ὅλως. Καὶ εἰ καὶ τὰ μάλιστα ὁ τῆς ἰν du-

³⁰ Other frequently commented testimonies of Roman jurisprudence are *D.* 2,15,7 pr.-1; *D.* 2,15,11; *D.* 2,14,40,1 and *D.* 49,1,5,3, and of imperial legislation *Cons.* 9,15 and *C.* 7,62,8.

³¹ Both Lemosse 1944, p. 239 n. 3 and Peterlongo 1936, p. 43-44 hold this opinion.

³² *Cons.* 9,15 (a. 240): ‘... Super iudicato non subsecuta appellatione frustra transigi non est opinionis incertae’.

³³ Orestano 1953, p. 401 n. 1, Litewsky 1964, p. 250 ff., and Raggi 1965, p. 219 ff.

³⁴ Ἡ κατὰ διάγωσιν ἐξενεχθεῖσα ἀπόφασις κατὰ τὴν τῶν νόμων παρὰδοσιν εἰ μήτε διὰ ἐκκλήτου μήτε διὰ ἀποκαταστάσεως ἀνηγορήθη, περὶ τῆς τοιαύτης ἀποφάσεως μάτην γίνεσθαι διάλυσιν οὐκ ἔστιν ἀμφίβολον. Τοιγαροῦν εἰ μὴ Ἀκουῖ-λιανῆς ἐπερωτήσεως καὶ ἀποχῆς καὶ ἀμεριμνίας ἐπακολουθησάσης τὴν ἀρμόζου-σάν σοι ἀνείλες ἀγωγὴν, ὁ ἄρχων τῆς ἐπαρχίας τῷ εἰωθότι τρόπῳ τῶν νόμων τοῖς κεκοιμένους πράγμασι πέρας ἐπθελίει καὶ ἀποτέλεσμα σπουδάσει.

³⁵ Merit for this discovery goes to Simon 1969, p. 551 ff. On Thalelaeus’ course about the *Codex* see his serial works of 1969a, 1969b, 1970a, 1970b.

plum rebocatίονος τρόπος ἄχρηστός ἐστι σήμερον, ἀλλ' ὅμως μέμνησο τῆς ἐτέρας αἰτίας τῆς εὐλόγου, δι' ἣν ἔξεστι μετὰ ἀπόφασεως διαλύεσθαι.

As far as we knew until this text appeared, there were just two exceptions to the principle by which the settlement (*transactio*) was excluded after a sentence was passed: in the event of an *appellatio* or the annulment of the sentence. Thalelaeus explains the question in the same terms: there are two procedural instruments to attack the validity of the judgment, that of the *appellatio* (τῷ τῆς ἐκκλήτου λόγῳ) and that of the annulment of the sentence by means of a *restitutio in integrum* (τὴν τῆς ἀποκαταστάσεως). These two procedural possibilities have to be taken into account in order to estimate the validity of a settlement (διάλῃσις) made after the judge has sentenced (μετὰ ἀπόφασιν διαλύεσθαι).

But important news is brought by the next comment of the *Antecessor*. He reminds his students (οἶδας δέ) of another two procedural situations in which the question about the settlement could apply: those cases in which it can be doubted whether the *iudicatum* exists or not (τὴν τοῦ ἐλλόγως ἀμφιβάλλεσθαι, εἰ γέγονεν ἀπόφασις ἢ μὴ γέγονεν ὅλως), and that of a so-called '*reuocatio in duplum*' (τὴν τῆς ἐν duplum rebocatίονος). What kind of institution could this be?

The professor helps us with precious information, since he indicates where these procedural instruments are to be found: ἐν τῷ α'. τῶν δὲ ῥεβους βιβ. τιτ. ζ'. διγ. κγ'. That is to say: in our Ulpianian text of *D. 12,6,23,1*!

Obviously, the first reaction is to ask ourselves if this reference is an error of the *Antecessor*, for if we read *D. 12,6,23,1* again, we find no trace of any institution called '*in duplum reuocatio*' in Ulpian's explanations.

But the second part of Thalelaeus' commentary may offer us the clue to solve this problem:

... Καὶ εἰ καὶ τὰ μάλιστα ὁ τῆς ἐν duplum rebocatίονος τρόπος ἄχρηστός ἐστι σήμερον...
Although for its most part the way of the *in duplum reuocatio* is not valid today...

According to the *scholion*, the so-called '*in duplum reuocatio*' seems to have been an old procedural instrument intended to attack the

validity of the judgment. But Thalelaeus explains that this legal tool had been considered useless (ἄχρηστος) at one point. So the obvious conclusion we can reach is that Justinian ordered the commissions in charge of the redaction of the *Digest* to remove any mention of such an old-fashioned instrument from the corresponding classical texts before they were incorporated to the compilation and that is why it is no longer to be found in *D.* 12,6,23,1.

But Thalelaeus might have had in his hands a version of Ulpian's commentary on Sabinus that was free of interpolations, that is to say, one of Ulpian's exemplars that were studied in post-classical schools before Justinian³⁶ forced using only the texts (and therefore their interpolated versions) included in the *Corpus Iuris*. During his lesson about *C.* 2,4,32 he advises his students not to forget that in the brand new *Digest* version of Ulpian's text an old procedural institution is missing.

So here we would have, at last, definitive proof of a textual alteration in our text, and should therefore assume that in the pre-Justinianic version of the text of Ulpian there was mention of the *in duplum reuocatio* next to those of the appeal and the *in integrum restitutio*.³⁷

Having no other manuscripts at our disposal, pieces of information like the one in this *scholion* become extremely valuable for the final edition of Ulpian's commentaries in their classical version. Thalelaeus' comments prove that he worked with a manuscript that differed from the *Florentina* version of the text.³⁸

But an obvious question arises: how is it possible that this information could have remained hidden and untapped for so many scholars that have reflected on and discussed the validity of *D.* 12,6,23,1 for almost a century?

The explanation³⁹ is again related to the problems in the transmission of the Byzantine sources, and therefore in the meth-

³⁶ Simon 1969, p. 554, supports the critics of Scheltema 1952, p. 1-17 to the 'Predigesto' theory. On Thalelaeus' teaching and commenting of the *Digest*, see Bransdema 1996, p. 30-39.

³⁷ Simon 1969, p. 552, explores and discards other explanations, such as the possibility that Thalelaeus may have introduced the reference to the *reuocatio* by obtaining it from texts other than *D.* 12,6,23,1.

³⁸ Simon 1969, p. 553.

³⁹ See Simon 1969, p. 551-552.

odology of the critical editions involved. In this case, the improvements in Scheltema, Holwerda & Van der Wal's edition of the *Basilica*⁴⁰ over the older one of Heimbach⁴¹ was the clue. A mistaken reading of the manuscripts, revealed in this new edition, hid the institution for centuries. Indeed, while in the modern edition of the *Basilica* it can be read 'ἰν *duplum rebocat*ίονος' (BS. 421/1), in that of Heimbach the text offers 'περσεκουτίονος' (Hb. 1,715), omitting an essential direct reference to the *in duplum reuocatio*.

Furthermore, due to another mistake in Heimbach's edition it can be read 'καὶ ἄλλως <i.e. in another place> εἶπεν' instead of 'καὶ ἄλλας <αἰτίας, i.e. another procedural instrument> εἶπεν', which suggested that the *reuocatio*, obviously not mentioned in D. 12,6,23,1, was to be found 'in another place'.⁴² This chain of little editing mistakes led, all at once, to the loss of essential clues for an appropriate critical edition of Ulpian's text in its original redaction.

4. Supporting the Results: A Search for Related Testimonies in Pre-Byzantine Legal Sources

According to the scarce information at our disposal, the new data about the original content of D. 12,6,23,1 suggest that the *reuocatio* seems to have been an extraordinary remedy of appeal similar to the *appellatio* and *in integrum restitutio* in some of its effects.

But even though the information provided by the *scholion* to Bas. 11,2,49 appears to be reliable, a sole text may not provide sufficient evidence to validate the recovery of a whole procedural institution of which there is no other trace in either early or late Byzantine sources. Therefore it is methodologically necessary to provide further evidence to support the new reading of D. 12,6,23,1 based for the moment only on the *scholion* to Bas. 11,2,49. The aim would therefore be to find traces of something like an '*in duplum reuocatio*' in the scarce legal sources transmitted outside the *Corpus Iuris*.

⁴⁰ Scheltema, Holwerda & Van der Wal 1953–1988.

⁴¹ Heimbach 1833–1870.

⁴² Indeed, Heimbach translates *alibi*.

The only hints in the whole Roman legal literature of something close to the institution mentioned by Thalelaeus are to be found in the late Roman period, and more precisely in the post-classical *Pauli Sententiae* and the *Codex Gregorianus* (both from the end of the 3rd century A.D.):⁴³

Ab ea sententia qua aduersus contumaces lata est neque appellari neque in duplum reuocari potest (*Paul. Sent.* 5,5a,6a = *App. LRW* 2,9)

Quae in libello contulisti praesidi prouinciae allega qui non ignorat eum qui per contumaciam absens condemnatur nec appellationis auxilio uti aut in duplum reuocare posse (*Cod. Greg.* 10,1,1 = *App. LRW* 2,6)

Confessionem suam reus in duplum reuocare non potest (*Paul. Sent.* 5,5a,7 = *App. LRW* 2,10)

Res olim iudicata post longum silentium in iudicium deduci non potest nec eo nomine in duplum reuocari, longum autem tempus exemplo longae praescriptionis decennii inter praesentes inter absentes uicennii computatur (*Paul. Sent.* 5,5a,8)

The connection of these testimonies with Thalelaeus' commentary is undeniable: all of them refer to a procedural institution ('*in duplum reuocari*') that could be used after the judgment or the admission of responsibility by the convicted party, and that was somehow parallel in its effects to the *appellatio* ('*neque appellari neque in duplum reuocari*'; '*nec appellationis auxilio uti aut in duplum reuocare*').

But since no mention is made of an '*in duplum reuocatio*' in the whole *Corpus Iuris* – that is to say, no classical Roman jurist

⁴³ It is discussed whether Hadrian's constitution (*Diui Adriani Sententiae et Epistolae*, 9, *Corpus Iuris Romani Anteiusitini* I, p. 206) could also apply to our case: '*Per libellum dicente quodam patrem suum confiscatum esse, et sibi decuriam ablatam esse, quam petebat, et siqua alia fuissent iusta: quae petente quodam, Adrianus inquisiuit Quando pater tuus confiscatus esset? Dicente illo Ante annos decem, Adrianus interrogauit Quare non antea audisti praefectum et de hoc quaestus es? Si enim coeperimus res aut bene aut male iudicatas reuocare, nihil consumatum erit; ipse tibi defuisti*'. Even though the text refers to '*res aut bene aut male iudicatas reuocare*', most scholars think that it is more likely related to a different institution. For an early discussion see Eisele 1889, p. 179, followed later by Amelotti 1958, p. 149; Bonifacio 1968, p. 821, n. 6; and Raggi 1961, p. 68, n. 67.

testifies to it – some scholars question the validity of these texts and, consequently, the existence of the *in duplum reuocatio* as a procedural institution.

Indeed, it is interesting that, with the only exception of *Paul. Sent.* 5,5a,8, the rest of these postclassical legal texts were only transmitted in the *Appendix* to the *Lex Romana Wisigothorum*. This fact increased the doubts about the reliability of the information they transmitted given that the manuscripts of the *Codex Alaricianus* come with *interpretationes* that sometimes contaminate the transmission,⁴⁴ since they occasionally contain vulgar misunderstandings of the classical legal texts.⁴⁵

Nevertheless, the objections raised against the validity of these texts did not convince the majority of romanists, who agreed about the existence of such a mysterious procedural instrument – at least in postclassical Roman law – even before the discovery of the *scholion* to *Bas.* 11,2,49.⁴⁶

But leaving aside the legal interpretation of these texts, and remaining at a merely textual level, even in these fragments the precious reference to the *reuocatio* could have been lost, since in Schulting's *Jurisprudentia Antejustiniana*⁴⁷ it was edited '*in dubium*' instead of '*in duplum*' *reuocare*. Again, the information at our disposal to achieve a proper edition of the texts depends on very delicate factors.

5. Research on Related Literary Sources

As was said at the beginning of this paper, further traces of an institution like the *in duplum reuocatio* are to be found not only in previous legal sources, but also in literary testimonies. Even

⁴⁴ Biondi 1930, p. 93-94, believes that the expression '*aut in duplum reuocare posse*' of CG. 10,1,1 is only a gloss. On behalf of PS 5,5a,6a, Biondi also considers that the text is no more than a Visigothic *interpretatio*, for the text is similar to that of the precedent paragraph of the *Pauli Sententiae*. For more on this question see also Wlassak 1934, p. 53-54.

⁴⁵ According to Biondi 1930, p. 94, PS 5,5a,8 should be a misinterpretation of the classical *infinitio* against the judgment. Biondi also considers the strange expression '*eo nomine*' suspicious (on this see Raggi, 1961 p. 69-70)

⁴⁶ See for example Orestano 1953, p. 107-108; Raggi, 1961, p. 68, n. 67; Apelt 1936, p. 120-121, and Bonifacio, 1968, p. 820-821, n. 2. For more details see Rodríguez 2004, p. 195, n. 22.

⁴⁷ Schulting 1737, p. 451, n. 36.

before Simon's research on the *scholion* to *Bas.* 11,2,49, the post-classical fragments of both the *Pauli Sententiae* and the *Codex Gregorianus* were associated with a fragment of Cicero, in which a similar procedural institution is mentioned in a passage describing a legal process.

The text is Cicero's *Pro Flacco* (20–21), in which the orator tries to prove to the judges the iniquity of the rhetor Heraclides of Temnus, one of the main witnesses against Flaccus. In order to explain the importance of this text for the reconstruction of *D.* 12,6,23,1, a brief explanation of the facts is in order. According to Cicero's narration, Heraclides had asked his fellow countryman Hermippus to stand surety for him in a certain business in Rome. But Heraclides left Rome without paying, and thus Hermippus had to pay off his debts. In order to recover his money, Hermippus had to sue Heraclides, and the trial took place in the province of Asia, where in fact L. Flaccus was *proconsul*. Heraclides lost the lawsuit, but did not pay his guarantor on this occasion either. As a last resort, Hermippus requested that the judgment be carried out, which meant apprehending the offender (*ductio*). Heraclides freed himself only after handing over some slaves to Hermippus.

According to Cicero (*Pro Flacco* 21,49), Hermippus returned to Rome and waited until Quintus, Cicero's brother, substituted Flaccus as *proconsul*. Before him Hermippus tries to attack the judgment that had condemned him, arguing that Flaccus had put pressure on the judges (*recuperatores*):

Atque is ab Hermippo missus, cum ei pauca mancipia uendidisset, Romam se contulit, deinde in Asiam rediit, cum iam frater meus Flacco successisset. Ad quem adiit causamque ita detulit, recuperatores ui Flacci coactos et metu falsum inuitos iudicauisse.

This is, therefore, a perfect example of a situation in which the kind of procedural instrument we are looking for would be suitable. And indeed, at this point Cicero's narration offers us a precious trace of such an actional instrument:

Frater meus pro sua aequitate prudentiaque decreuit ut, si iudicatum negaret, in duplum iret; si metu coactos diceret, haberet eosdem recuperatores. Recusauit et, quasi nihil esset actum, nihil iudicatum, ab Hermippo ibidem

mancipia quae ipse ei uendiderat petere coepit. M. Gratidius legatus, ad quem est aditum, actionem se daturum negauit; re iudicata stari ostendit placere (Cic. *Flac.*, 21,49).

It seems that Q. Cicero offered Hermippus two possibilities:⁴⁸ to repeat the trial from the beginning with the same judges (*in integrum restitutio*)⁴⁹ or to file an unidentified procedural instrument, referred to as *in duplum ire*.

This second instrument, which apparently involves the annulment of the judgment (*reuocare*?) with some kind of risk to pay a *duplum*, seems to share many similarities with the *in duplum reuocatio* mentioned in the *Pauli Sententiae* and the *Codex Gregorianus*, for in these two texts it was placed and regulated next to the *appellatio* (the postclassical appeal against the judgment) as already seen. Sadly Cicero does not give any further details about the procedural characteristics of this *in duplum ire*, but many authors even early on have considered this text a very valuable clue for understanding the postclassical *in duplum reuocatio*,⁵⁰ and therefore an essential source to sustain the critical reconstruction of D.12,6,23,1 according to the information given in the *scholion* to Bas. 11,2,49.

6. Time for Reconstruction

The search for sources of Ulpian's fragment, as transmitted in D.12,6,23,1, allows differentiating this early Byzantine version of

⁴⁸ Some authors even think that the sentence: 'si iudicatum negaret, in duplum iret; si metu coactos diceret, haberet eosdem recuperatores' refers to only one procedural instrument, that of *in duplum ire* (Koschaker 1938, p. 361, n. 2, followed by Medicus 1964, p. 290, n. 213). See also Kupisch 1974a, p. 131 and his analysis of the construction *si... si...*

⁴⁹ For an early discussion see Eisele 1889, p. 160-161; see also Sargenti 1966, p. 272 ff.; Brutti 1973, p. 351-352; Rodríguez 2004, p. 190 n. 9 for further literature. Kupisch 1974a, p. 126 ff.; Kaser 1977, p. 128 n. 104; Kaser & Hackl 1996, p. 424 and Buzzacchi 1996, p. 110-111 disagree.

⁵⁰ Bethmann-Hollweg 1865, p. 725 ff.; Eisele 1889, p. 161 ff.; Wenger 1925, p. 201-202; Lenel 1927, p. 446, n. 1; Wlassak 1934, p. 57-58; Koschaker 1938, pp. 361-362; Medicus 1964, p. 288; Kupisch 1974b, p. 202; Kaser 1977, p. 128, n. 104; Kaser & Hackl 1996, p. 615 and Amelotti 1958, p. 146 and n. 119. Schwalbach 1886, p. 119 n. 1; Biondi 1930, p. 92 ff.; Apelt 1936, p. 126; Raggi 1961, p. 68 n. 67; Bonifacio 1968, p. 821; Brutti 1973, p. 349 ff.; and Buzzacchi 1996, p. 104 hold a different viewpoint.

the fragment from a previous one which contained more information than the one at our disposal.

According to Simon's proposal for reconstruction, the version of the text that Thalelaeus had in his hands should be:

... Quid ergo si appellatum sit <uel in duplum reuocatum>
uel hoc ipsum incertum sit, an iudicatum sit uel an sententia
ualeat?

Taking into account that the *scholion* to *Bas.* 11,2,49 supports the idea that the *reuocatio* was systematically substituted by the *appellatio*,⁵¹ another plausible conjecture could be:

... Quid ergo si <in duplum reuocatum> sit uel hoc ipsum incertum
sit, an iudicatum sit uel an sententia ualeat?

Even though the collected information does not assure that the reconstruction of the text really matches Ulpian's original version, or even a later archetype – insofar as this concept is feasible, as already said – at least the search for other sources that could explain *D.* 12,6,23,1 does compensate for the lack of materials needed to apply classical textual criticism methodologies. In fact, only through the study of sources related to the text is it possible to reveal one of the *Stufen* in the manuscript transmission of the fragment.⁵² But apart from these arguments no more palaeographical or codicological evidence can be provided in cases like this.

Due to the special characteristics of the transmission of legal texts conserved in the *Corpus Iuris*, it is necessary to thoroughly revise the information provided by Mommsen in the critical apparatus of the *Digest*, and not only in relation to the *Vulgatüberlieferung* but also to the *littera Florentina* itself,⁵³ and as has been

⁵¹ This is Simon's assumption: see Simon 1965, p. 554.

⁵² If the question of the reconstruction of a text in order to regain its genuine shape is always philologically important, it becomes even more important when dealing with legal texts since later additions or modifications to the classical works of the jurists are due not only to copying mistakes but most frequently to their adaptation of changes in the law. Identifying successive *Stufen* in a legal text offers – apart from a better and more accurate critical edition – the opportunity to evaluate and even date such legal modifications.

⁵³ See Kaiser 2001, p. 219.

shown, the Gröningen edition of the *Basilica scholia* is a powerful tool for achieving that aim.⁵⁴

Therefore, the search for sources and the prevision of contaminated *stemmata* must drive the research methodologies, forcing scholars to extend the critical apparatus to include material criteria and thus the admission of an open *recensio*⁵⁵ to the extent that today it can be said that in the field of Roman legal texts ‘Textkritik ist heute nicht das erste, sondern das letzte Mittel bei der Textauslegung’.⁵⁶

Bibliography

- H. Apelt (no year indication, probl. 1936), *Die Urteilsnichtigkeit im römischen Prozeß*, Schramberg: Gatzert & Hahn.
- M. Amelotti (1958), *La prescrizione delle azioni in diritto romano*, Milano: Giuffrè.
- G. G. Archi et al. (1986), *Le Pandette di Giustiniano. Storia e fortuna di un codice illustre. Due giornate di studio, Firenze 23-24 giugno 1983*, Firenze: Leo S. Olschki.
- M. A. v. Bethmann-Hollweg (1865), *Der römische Civilprozess*, II, Bonn: Marcus.
- B. Biondi (1927), *La compensazione nel diritto romano*, extr. Vol. XII *Annali del Seminario Giuridico della R. Università di Palermo*, Cortona: Stab. Tip. Commerciale.
- B. Biondi (1930), ‘Appunti intorno alla sentenza nel processo civile romano’, in *Studi in onore di P. Bonfante*, IV, Milano: Treves, p. 29-102.
- F. Bonifacio (1968), ‘*Reuocatio in duplum*’, in *Novissimo Digesto Italiano*, 15, p. 820-821.
- F. Brandsma (1996), *Dorotheus and his Digest translation*, Gröningen: Egbert Forsten.

⁵⁴ See for example Vriesendorp 1984, who through *Bas.* 20,55,1 identifies an Ulpian fragment that was lost in the western tradition of the Digest, but which existed in the eastern one and was commented on by the redactors of the *Basilica*. Nörr 1988, p. 136 n. 81 quotes another interesting example provided by Kaiser of how the differences between Heimbach’s edition of the *Basilica* and that of Scheltema & Van der Wal reveal information that could lead to the identification of an archetype.

⁵⁵ See Miquel 1963, p. 285. On the possibilities of closed, open and global *recensio* in relation to the critical edition of the Digest, see Nörr 1988, p. 135.

⁵⁶ See Kunkel & Schermeier 2005, p. 309.

- M. Brutti (1973), *La problematica del dolo processuale nell'esperienza romana, II*, Milano: Giuffrè.
- Ch. Buzzacchi (1996), *Studi sull'actio iudicati nel processo romano classico*, Milano: Giuffrè.
- A. Corbino & B. Santalucia (1988), *Justiniani Augusti Pandectarum. Codex florentinus. Riproduzione in facsimile*, 2 Vol., Firenze: Olschki.
- F. Eisele (1889), *Abhandlungen zum römischen Civilprozeß*, Freiburg-Leipzig: Mohr.
- A. Guarino (1946), 'Sull'importanza delle compilazioni giuridiche bizantine per l'indagine storico-critica', in *Scritti di Diritto Romano in Onore di Contardo Ferrini*, Milano: Hoepli, p. 309-317.
- G.E & K.W.E. Heimbach (1833-1870), *Basilicorum Libri LX*, (6 Vol., plus *Supplementum* by Linghental 1846 and Ferrini & Mercati 1897), Leipzig: Barth.
- W. Kaiser (2001), 'Schreiber und Korrektoren des *Codex Florentinus*', in *Zeitschrift der Savigny-Stiftung, Romanistische Abteilung*, 118, p. 133-219.
- H.U. Kantorowicz (1909), 'Über die Entstehung der Digestenvulgata. Ergänzungen zu Mommsen', in *Zeitschrift der Savigny-Stiftung, Romanistische Abteilung*, 30, p. 183-271.
- M. Kaser (1972), *Zur Methodologie der Rechtsquellenforschung*, Wien: Böhlau.
- M. Kaser (1977), 'In integrum restitutio', in *Zeitschrift der Savigny-Stiftung, Romanistische Abteilung*, 94, p. 101-183.
- M. Kaser, (1986) 'Ein Jahrhundert Interpolationenforschung an den römischen Rechtsquellen', in *Römische Rechtsquellen und angewandte Juristenmethode*, Wien – Köln – Graz: Böhlau, p. 112-154 (also in the *Phil.-hist. Klasse der Österreichischen Akademie der Wissenschaften*, 116 Jg. [1979], p. 83-113).
- M. Kaser & K. Hackl (1996), *Das römische Zivilprozessrecht*, 2nd ed., München: C.H. Beck.
- R. Knütel (1988), '„Nicht leichter, aber un so reizvoller“ – Zum methodologischen Vermächtnis Max Kasers', in *Zeitschrift der Savigny-Stiftung, Romanistische Abteilung*, 115, p. 33-65.
- P. Koschaker (1938), in *Zeitschrift der Savigny-Stiftung, Romanistische Abteilung*, 58, review on Apelt (supra), p. 356-363.
- W. Kunkel & M. Schermeier (2005), *Römische Rechtsgeschichte*, 14th ed., Köln – Weimar – Wien: Böhlau.
- B. Kupisch (1974a), 'Cicero *Pro Flacco* 21,49 f. und die *in integrum restitutio* gegen Urteile', in *Zeitschrift der Savigny-Stiftung, Romanistische Abteilung*, 91, p. 126-145.

- B. Kupisch (1974b), *In integrum restitutio und vindictio utilis bei Eigentumsübertragungen im klassischen römischen Recht*, Berlin – New York: De Gruyter.
- F. La Rosa (1956), ‘La struttura della *cautio iudicatum solui*’, in *Labeo*, 2, p. 160–186.
- M. Lemosse (1944), *Cognitio. Étude sur le rôle du juge dans l’instruction du procès civil antique*, Paris: André Lesot.
- O. Lenel (1927), *Das Edictum Perpetuum*, Leipzig: Tauchnitz (1956, repr. Aalen: Scientia Antiquariat; 2010, repr. Amsterdam: Nabu Press).
- W. Litewski (1964), ‘L’admissibilité de la transaction en cours d’appel’, *Revue Internationale des Droits de l’Antiquité*, 11 (3rd S.), p. 233–253.
- J. Ljubarskij (1998), ‘Quellenforschung and/or Literary Criticism. Narrative structures in Byzantine Historical Writings’, in *Symbolae Osloenses*, 73, p. 5–22.
- D. Medicus (1964), ‘Zur Urteilsberichtigung in der *actio iudicati*’, in *Zeitschrift der Savigny-Stiftung, Romanistische Abteilung*, 81, p. 233–292.
- G. Melillo (1968), ‘Modificabilità dell’*obligatio iudicati*’, in *Studi in Onore di Giuseppe Grosso*, 2nd Vol., Torino: Giappichelli, p. 297–314.
- J. Miquel (1963), ‘Mechanische Fehler in der Überlieferung der Digesten’, in *Zeitschrift der Savigny-Stiftung, Romanistische Abteilung*, 80, p. 233–286.
- Th. Mommsen & P. Krüger (1868), *Iustinianus Augustus. Digesta*, 2 Vols., Berlin (repr. Hildesheim 1997).
- Th. Mommsen (1870), *Digesta Iustiniani Augusti*, 2. Vol., Berlin: Weidmannsche Verlagsbuchhandlung.
- Th. Mommsen & P. Krüger & W. Kroll & R. Schöll (1895), *Corpus Iuris Civilis*, Berlin: Vol. I, *Institutiones*, ed. P. Krüger; *Digesta*, ed. Th. Mommsen (rev. P. Krüger), repr. 8th ed. Berlin 1963 (Hildesheim 2000); Vol. II, *Codex Iustinianus*, ed. P. Krüger, repr. 11th ed. Berlin 1954 (Hildesheim 1997); Vol. III, *Nouellae*, ed. W. Kroll & R. Schöll, repr. 8th ed. Berlin 1963 (Hildesheim 1993): Weidmannsche Verlagsbuchhandlung.
- D. Nörr (1988), ‘Zu neuen Faksimile-Ausgabe der *littera Florentina*’, in *IVRA. Rivista internazionale di Diritto Romano e Antico*, 39, p. 121–136.
- R. Orestano (1953), *L’appello civile in Diritto Romano*, 2nd ed., Torino: Giappichelli.
- M.E. Peterlongo (1936), *La transazione nel diritto romano*, Milano: Giuffrè.

- P.E. Pieler (2008), 'Zur Hermeneutik der byzantinischen Rechtstexte', in M. Avenarius (ed.), *Hermeneutik der Quellentexte des Römischen Rechts*, Baden-Baden: Nomos, p. 355-382.
- F. Pringsheim (1963), 'Über die Basiliken-Scholien', in *Zeitschrift der Savigny-Stiftung, Romanistische Abteilung*, 80, p. 287-341.
- L. Raggi (1961), *Studi sulle impugnazioni civile nel processo romano*, Milano: Giuffrè.
- L. Raggi (1965), *La restitutio in integrum nella cognitio extra ordinem. Contributo allo studio dei rapporti tra diritto pretorio e diritto imperiale nella età classica*, Milano: Giuffrè.
- S. Riccobono (1908), 'Il valore delle collezioni giuridiche bizantine per lo studio critico del *Corpus Iuris Civilis*', in *Mélanges Fitting (75 anniversaire de M. le Professeur Hermann Fitting)*, Vol. II, Montpellier: Soc. An. de l'Imprimerie Générale du Midi, p. 465-497.
- J.D. Rodríguez (2004), 'La *in duplum revocatio* clásica', in *Seminarios Complutenses de Derecho Romano*, 16, p. 187-209.
- M. Sargenti (1966), 'Studi sulla «restitutio in integrum»', in *Bullettino dell'Istituto di Diritto Romano*, 69, p. 193-298.
- H.J. Scheltema (1952), 'Les sources du droit de Justinien dans l'Empire d'Orient', in *Revue Historique du Droit*, 30, p. 1-17.
- H.J. Scheltema (1957), 'Über die angebliche Anonymuskatene', in *Tijdschrift voor Rechtsgeschiedenis – Revue d'Histoire du Droit*, 25, p. 284-301.
- H.J. Scheltema & D. Holwerda & N. Van der Wal (1953-1988), *Basili-corum Libri LX, Scripta Univ. Groening.*, (1955-1988) Series A *Textus* (8 Vols.), (1953-1985) Series B *Scholia* (9 Vols.), Gröningen: Wolters.
- A. Schulting (1737), *Iurisprudentia Vetus Ante-Iustiniana*, Leipzig: Weidmannsche Verlagsbuchhandlung.
- F. Schulz (1946), *History of Roman legal science*, Oxford: Clarendon Press.
- Th. Schwalbach (1886), 'Über ungültige Urtheile und die consumierende Wirkung der Litiscontestatio', in *Zeitschrift der Savigny-Stiftung, Romanistische Abteilung*, 7, p. 113-138.
- J. Signes Codoñer & F.J. Andrés Santos (2007), *La Introducción al Derecho (Eisagoge) del patriarca Focio*, Madrid: Nueva Roma (Biblioteca Graeca et Latina Aevi posteriores, 28).
- D. Simon (1965), 'Revocatio in duplum', in *Tijdschrift voor Rechtsgeschiedenis – Revue d'Histoire du Droit*, 37, p. 551-555.
- D. Simon (1969a), 'Aus dem Kodexunterricht des Thalelaios. A: Methode', in *Zeitschrift der Savigny-Stiftung, Romanistische Abteilung*, 86, pp. 334-383.

- D. Simon (1969b), 'Aus dem Codexunterricht des Thalelaios. C: Interpolationsberichte', in *Revue Internationale des Droits de l'Antiquité*, 3rd S., 16, p. 282-308.
- D. Simon (1970a), 'Aus dem Kodexunterricht des Thalelaios (Forsetzung). B: Die Heroen', in *Zeitschrift der Savigny-Stiftung, Romanistische Abteilung*, 87, p. 315-394.
- D. Simon (1970b), 'Aus dem Codexunterricht des Thalelaios. D: Divergenzen zwischen Thalelaioskommentar und Codexüberlieferung', in *Revue Internationale des Droits de l'Antiquité*, 3rd S., 17, p. 273-317.
- S. Solazzi (1950), *La compensazione nel Diritto Romano*, Napoli: Jovene.
- R.D. Vriesendorp (1984), 'A Note on Bas. XX,1,55: Mommsen deceived?', in *Subseciva Groningana*, 1, p. 129-133.
- A. Watson (1985), 'The Digest of Justinian' (translation and edition on the basis of Mommsen-Krueger's Edition), Philadelphia: University of Pennsylvania Press.
- L. Wenger (1925), *Institutionen des römischen Zivilprozeßrechts*, München: Hueber.
- F. Wieacker (1960), *Textstufen klassischer Juristen*, Göttingen: Vandenhoeck & Ruprecht.
- F. Wieacker (1988), *Römische Rechtsgeschichte*, Vol. I, München: C.H. Beck.
- M. Wlassak (1934), *Confessio in Jure und Defensionsweigerung nach der Lex Rubria de Gallia Cisalpina*, München: Verl. der Bayerischen Akad. der Wiss.

THOMAS ERNST VAN BOCHOVE
Groningen

THE BASILICA BETWEEN QUELLENFORSCHUNG AND TEXTUAL CRITICISM

1. *General observations*

- 1.1. What are the Basilica? In his address to the Basilica Symposium held in 1988, the Dutch scholar Jan Lokin came up with an interesting answer:

The Basilica is a Parisian fortress, assaulted by the mob on the 14th of July, 1789. This was one of the answers given by students of law to the above question during an examination. Naturally, the question during the resit was: What is the Bastille, but nobody answered: The Bastille is a compilation of laws of Leo the Wise from the year 900.¹

Anecdotes like these make clear that the knowledge of the term Basilica as it is used in Byzantine Law is not very widespread. However, for those who have an professional interest in Roman Law, and in particular in Byzantine Law, the term Basilica refers to a large compilation of laws brought about in the later ninth century, during the reign of the emperor Leo VI the Wise (886–912). The name of this compilation of laws, Basilica, originates from the Greek phrase τὰ βασιλικὰ νόμματα. The text of the Basilica – which is divided into sixty books, and each book in its turn subdivided into titles – is essentially nothing more than a thematical rearrangement of the legislation of the emperor Justinian. This thematical rearrangement implies the following. In

¹ Lokin 1989, p. 1 (201).

the Justinian legislation, all provisions dealing with one and the same subject matter were divided over the constituent parts of that legislation, viz. the Institutes, the Digest, the Code, and, if applicable, the Novels. In the text of the Basilica, all these provisions were united under one heading, a title. Broadly speaking, any given Basilica title dealing with whatever subject consists of the relevant provisions originating from the Digest, the Code, and the Novels; as it is, the Institutes have hardly left any trace in the Basilica text.

- 1.2. The observation that the text of the Basilica is essentially a thematic rearrangement of the Justinian legislation requires some comment which may be classified under the heading *Quellenforschung*. For, it should always be kept in mind that the Corpus Iuris Civilis is the underlying source of the Basilica. The text of the Basilica, though compiled in the later ninth century, consists of material going back to Justinian's day in the first half of the sixth century. The Byzantines themselves were well aware of the fact that they were dealing with older texts. They described the process which ultimately gave birth to the text of the Basilica as a purification of the old laws, the so-called ἀνακάθαρσις τῶν παλαιῶν νόμων.²

The most important question that needs to be asked is that regarding the interrelation of the Corpus Iuris Civilis and the Basilica text. How do these sources relate to one another? With the exception of the Novels, the various parts of the Corpus Iuris are written in Latin, whereas the Basilica text is made up in Greek. Even in Justinian's own day, knowledge of the Latin language was a rare phenomenon in a predominantly Greek speaking society. Students arriving in Constantinople with the objective to study law, had to deal with texts – the Institutes, the Digest and the Code – written in a practically alien language. In order to facilitate those students, the Justinian system of legal education

² On this purification of the old laws and on its context, cf. e.g. Pieler 1989. We come across the term ἀνακάθαρσις τῶν παλαιῶν νόμων in the prefaces to the two law books issued by Basil the Macedonian; cf. Prochiron preface, ll. 61 and 77 (ed. Schminck 1986, p. 58 and 60); Eisagoge preface, ll. 31–32 (ed. Schminck 1986, p. 6). On these passages, cf. Van Bochove 2011, p. 245–246, 246–247 and 248–254, with further references.

produced Greek translations and summaries of, and commentaries on those Latin texts.³ More or less the same happened in legal practice: here, too, Greek summaries tended to supersede the text of the law originally made up in Latin. A considerable portion of these Greek summaries, translations and commentaries has survived. The text of the Basilica originates from those summaries: it is the Greek Summa of the Digest compiled by the so-called elder Anonymous⁴ that underlies the Digest part of the Basilica text, whereas the Codex part originates from the writings of the *antecessor* Thalelaios.⁵ The fact that the Corpus Iuris Civilis is the underlying source of the text of the Basilica raises yet another question which is of the utmost importance from a legal point of view. For, from whom do the provisions that have been incorporated into the text of the Basilica derive their legal force? Was it Leo the Wise himself? The answer to this question is twofold, and rather complicated. If the Basilica are taken by themselves, then the question has to be answered in the negative. The text in which Leo the Wise might explicitly have granted legal force to the Basilica, viz. the preface to the Basilica, altogether lacks a clause to that effect.⁶ The provisions from the Digest, the Code and the Novels that had been adopted into the text of the Basilica, continued to derive their legal validity from the emperor who first promulgated them, i.e. the emperor Justinian. If taken by themselves, the Basilica cannot be looked upon as a codification in the modern sense of the word: a new code of law provided with its own legal validity while abrogating laws

³ On the Justinian system of legal education in general, cf. Scheltema 1970, p. 7–16 (64–70); Van der Wal & Lokin 1985, p. 38–46; Pieler 1978, p. 404–407; Lokin & Van Bochove 2011, p. 118–135; Troianos 2011, p. 99–102 and 104–108.

⁴ On the (elder) Anonymous, cf. Scheltema 1977, p. 308–315 (404–412); Van der Wal & Lokin 1985, p. 47–48 and 127; Pieler 1978, p. 435–436; Troianos 2011, p. 136 with note 132, 158 and 200; Sontis 1937; Stolte 1985; Burgmann 1986; Lokin & Van Bochove 2011, p. 128–129 and 138.

⁵ On Thalelaios, cf. Van der Wal 1953, p. 64–104; Scheltema 1970, p. 32–40 (81–87); Holwerda 1984; Van der Wal & Lokin 1985, p. 42–43 and 125–126; Pieler 1978, p. 423–424; Troianos 2011, p. 104 note 26 and p. 137 with note 133; Simon 1969a; Simon 1969b; Simon 1970a; Simon 1970b; Gorla 2011; Lokin & Van Bochove 2011, p. 131–132 and 138–139.

⁶ On this issue, cf. Van Bochove 1997. The preface to the Basilica has been edited by Schminck 1986, p. 17–23. The editors of the Groningen edition of the Basilica regarded this preface as spurious; therefore, they omitted its text from their edition.

issued previously. In other words, the text of the Basilica did not abolish the legislation of Justinian.⁷

However, it would seem possible to answer the above question in the affirmative, if the text of the Basilica is regarded in close conjunction with the Novels of Leo the Wise, in the wake of the research of the late Marie Theres Fögen. On the basis of her findings, she described Leo's Novels – which have mainly come down to us in the form of a Collection containing 113 Novels – as *kodifikationsbegleitende Legislation*, issued concurrently with the compilation of the text of the Basilica.⁸ Against this background, one might be tempted to regard the Basilica text and Leo's Novels as one coherent ensemble, and to have the preface to Leo's Collection of Novels and the emperor's first Novel pertain to not only the Collection but the Basilica text as well. Ultimately, it would even seem possible to argue that by issuing the preface to the Collection and his first Novel, Leo the Wise officially granted legal force to both his Collection of Novels and the Basilica text, and in doing so abrogated laws issued previously, in particular the legislation of Justinian.⁹

Recent research casts doubt on the idea that the text of the Basilica and Leo's Collection of Novels can be looked upon as one coherent ensemble. Ultimately, this also questions the notion that by issuing the preface to his Collection of Novels and his first Novel, Leo would officially have promulgated the text of the Basilica, thereby abolishing the legislation of Justinian. It is the Spanish scholar Juan Signes Codoñer who argues that in the end, the preface to the Collection and Nov. Leon. 1 are in actual fact nothing more than *two alternative redactions of a promulgatory text to the Collection of 113 Novels*. Moreover, in his view the two texts cannot pertain to the Basilica text, because they fail to refer to that compilation of laws.¹⁰

The issue whether or not the Basilica text was authoritative in nature – was it officially promulgated or not? – may have a

⁷ On this, cf. Lokin & Van Bochove 2011, p. 141–142.

⁸ Cf. Fögen 1989, *passim*.

⁹ For all this, cf. Lokin 1994, p. 82–87 (192–196); Van Bochove 1995; Van Bochove 1996, p. 203–221 *passim*.

¹⁰ For all this, cf. Signes Codoñer 2009, p. 1–8 and 16–18; Signes Codoñer 2011, p. 273–281 and 312–317.

direct bearing on the way how to look upon the transmission of that text in the manuscripts. For, with regard to any given text one might be tempted to explain textual differences between manuscripts handing down that text by assuming the – side by side – existence of different, revised editions of that text, however anachronistic the use of the term ‘edition’ may seem in relation to mediaeval texts. In the case of a legal text, such as the text of the Basilica, the perspective changes. For, if we depart from the notion that the Basilica text was officially promulgated, then we may explain textual differences between the Basilica manuscripts by assuming the – side by side – existence of different versions of that text, perhaps adapted to the needs of specific readers or users, thus more or less in accordance with the view of Zachariä von Lingenthal (see § 2.2 below). Clearly, this entire issue needs further consideration.

- 1.3. In the manuscripts, the text of the Basilica is often accompanied by *scholia*.¹¹ There are two separate groups of *scholia* to be distinguished. The first group consists of the so-called older *scholia*.¹² These *scholia* were probably added to the Basilica text from the middle of the tenth century onward: they are essentially nothing more than extracts and text fragments originating from sixth century legal works, viz. legal works not adopted into the Basilica text. The older *scholia* pertain to the same passages from the Digest, the Code, and – if applicable – the Novels as those underlying the Basilica text. Thus, the older *scholia* refer to the various parts of the sixth century legislation of Justinian. The second group consists of the younger *scholia*.¹³ These *scholia* were added to the Basilica text in the eleventh- and twelfth centuries. They are explanations and notes specifically written for the Basilica text. Thus, the younger *scholia* refer to the ninth century text of the Basilica.

¹¹ On the Basilica *scholia* in general, cf. e.g. Heimbach 1870, *passim*; Scheltema 1957; Pringsheim 1963; Scheltema 1960–1963; Pieler 1978, p. 463–464; Van der Wal & Lokin 1985, p. 90–92, 99–100, 133–134 and 135; Troianos 2011, p. 281–284.

¹² On the older *scholia*, cf. Lokin & Van Bochove 2011, p. 143–144; cf. also the literature quoted in note 11 above.

¹³ On the younger *scholia*, cf. Lokin & Van Bochove 2011, p. 144–145, and the literature quoted in note 11 above.

Correctly distinguishing between the older and the younger *scholia* is of great importance with regard to *Quellenforschung*. For, an incorrect classification of a scholion as either old or young may lead to a completely anachronistic interpretation of that scholion, and of the scholion's elucidations of the text it comments. One example may suffice to illustrate this. The older *scholia* are the most important source for our knowledge of the system of legal education instituted by the emperor Justinian and put into practice by his professors of law, the *antecessores*.¹⁴ Classifying an old scholion as young may imply the loss of information pertaining to the teachings of the *antecessores*. Classifying a young scholion as old may yield results which are then erroneously associated with Justinian's system of legal education, thereby implying the loss of information relevant for other times and circumstances. So, how to distinguish between the older and the younger *scholia*?¹⁵

A first criterion may be found in the headings of the *scholia*. Many *scholia* have been provided with a heading consisting of the name – mostly put in the genitive – of the original author of the relevant text fragment. It concerns authors (including *antecessores*) from the sixth- or early seventh century, such as Δωροθέου, Θεοδώρου, Θαλελαίου, Κυρίλλου, Στεφάνου, τοῦ Ἀωνύμου, to name but a few. Likewise, we come across the names (such as they are) of authors from the eleventh century or somewhat later, such as Καλοκύρου, Νομοφύλακος,¹⁶ Κωνσταντίνου τοῦ Νικαέως, τοῦ Ἀγιοθεοδώριτου, Ἰωάννου (Νομοφύλακος).

A second criterion may be derived from allusions to the division of the Digest into *partes*: if a scholion mentions a *pars* of the Digest – such as the *Prota*, the *pars De rebus*, or the *pars De iudiciis* –, then the scholion in all probability originates from the lectures of the *antecessores* on the Digest.¹⁷

A third criterion to distinguish the older from the younger *scholia* is the way in which the *scholia* refer to *loci paralleli*. If, for

¹⁴ On this system of legal education, cf. the literature quoted in note 3 above.

¹⁵ On this subject, cf. Burgmann & Fögen 1982, p. 126 with the literature quoted in note 54.

¹⁶ Viz. John Xiphilinos, the head (νομοφύλαξ) of the law school of Constantinople, established towards the middle of the eleventh century by the emperor Constantine IX Monomachos.

¹⁷ On the *partes* of the Digest, cf. e.g. Stolte 1984; Troianos 2011, p. 101-102; Lokin & Van Bochove 2011, p. 119-120.

instance, such a reference contains the abbreviation διγ. (standing for δίγεστον) or διατ. (standing for διάταξις), then the scholion alludes to a fragment from the Digest or a constitution from the Code, i.e. the legislation of Justinian. If, however, the scholion uses the abbreviation κεφ. (standing for κεφάλαιον), then it refers to a chapter from the text of the Basilica.¹⁸ This final criterion has to be employed with due caution, because the references to *loci paralleli* may easily have been modified: direct references to the Digest and the Code may have been substituted by their equivalents in the text of the Basilica.

Despite the above remarks, it has been observed that the distinction between the older and the younger *scholia* – and the actual making of that distinction – has been overemphasized. In this respect, the observations of Burgmann and Fögen are too important not to quote them in full:

Seit dem 19. Jahrhundert spricht man von “alten” und “neuen” Basilikenscholien und bemüht sich, Kriterien für deren Unterscheidung zu finden. Übereinstimmend als neu werden dabei die (wenigen) inskribierten Scholien von Juristen des 11. und 12. Jahrhunderts betrachtet, als alt die wörtlichen Auszüge aus der Corpus-Iuris-Literatur des 6. Jahrhunderts. Dazwischen gibt es eine Grauzone von Scholien, die mal als interpoliert bezeichnet, mal den neuen Scholien zugeschlagen werden. Der Grund für diese Grenzverschiebung bzw. Unschärfe liegt auf der Hand: Wenn die Basilikenscholien nach wie vor fast ausschließlich unter dem Gesichtspunkt der Kritik des Corpus Iuris und der Rekonstruktion der justinianischen Jurisprudenz behandelt werden, sind Unterschiede innerhalb des Nicht-Alten belanglos. Gleichzeitig erklärt sich so der Optimismus hinsichtlich der Unterscheidbarkeit von Altem und Neuem: Das wirklich alte Material ist – soweit es von jeglichen späteren Eingriffen verschont blieb – für den Kenner in der Tat meist leicht zu identifizieren und häufig gar einzelnen Juristen des 6. Jahrhunderts zuzuweisen. [...] Will man auf die mißverständliche, durch literaturhistorische

¹⁸ For all this, cf. e.g. Scheltema 1962; Burgmann & Fögen 1982, p. 127 note 56; Stolte 2005a, p. 386–387; Van Bochove 2009, p. 117–122; Lokin & Van Bochove 2011, p. 143 note 107. It goes without saying that the list of criteria mentioned in the main text is by no means exhaustive. More criteria can be found in e.g. Scheltema 1970, *passim*; Van der Wal & Lokin 1985, *passim*.

Präokkupationen belastete Alternative “alt – neu” nicht ganz verzichten [...].¹⁹

- 1.5. The year 1988 saw the publication of the final text volume of the new edition of the *Basilica cum scholiis*, the third after the editions prepared by Fabrot²⁰ and Heimbach,²¹ but the very first to meet modern day standards.²² The completion of the new critical edition of the *Basilica* marks the end of a veritable Herculean undertaking, and provides scholars with a first class research tool for textual criticism of the *Corpus Iuris Civilis*: after all, the *Basilica* and their *scholia* have played (and continue to play) an important role in establishing the text of the various parts of Justinian’s legislation, in particular that of the *Code*.²³ But what about textual criticism of the *Basilica cum scholiis* themselves?

The publication of the final volume does not mean that textual criticism has come to an end. On the contrary, in the year 2007 the Greek scholar Rodolakis published a brand new critical edition of book 53 of the *Basilica*.²⁴ And even though the Groningen edition of the *Basilica* saw its completion, some observations need to be made, if only because of new discoveries. The editors Scheltema, Van der Wal and Holwerda based themselves on all manuscripts available to them.²⁵ However, the direct transmission of the *Basilica* in the manuscripts is rather poor. Several

¹⁹ Cf. Burgmann & Fögen 1982, p. 126–127.

²⁰ Fabrot 1647. Fabrot’s edition can now be consulted on the internet (<http://www.books.google.com>).

²¹ Heimbach 1833–1850; Heimbach 1870; Zachariae a Lingenthal 1846; Ferrini & Mercati 1897. Heimbach’s edition on the internet: <http://www.ledonline.it/rivistadiritto romano/Basilici> (so far, the vols I and II, and the Supplementa); the vols I–VI and Zachariae’s Supplementum are accessible via <http://www.books.google.com>, the volumes I–VI and both Supplementa via <http://www.europeana.eu>.

²² *Basilica text* (BT): Scheltema, Van der Wal & Holwerda 1955–1988. *Basilica scholia* (BS): Scheltema, Holwerda & Van der Wal 1953–1985. Both BT and BS are quoted after page and line. The Groningen edition of the *Basilica* is also available on the internet: *Thesaurus Linguae Graecae* (<http://www.tlg.uci.edu/>), Canon of Greek Authors and Works, No. 5065.001 (Text) and 5065.002 (*Scholia*). On the preface to the *Basilica*, cf. note 6 above.

²³ On this, cf. Stolte 2011, p. 667–674.

²⁴ Rodolakis 2007, p. 175–260.

²⁵ Cf. the *praelectiones* of all volumes of both BT (Scheltema, Van der Wal & Holwerda 1955–1988), and BS (Scheltema, Holwerda & Van der Wal 1953–1985); cf. also Burgmann, Fögen, Schminck & Simon 1995, p. 402–404 (Index, s.v. *Basiliken*). Cf. most recently also Schminck & Getov 2010, p. 255 and 264.

books of the Basilica lack direct transmission even altogether: the editors had to reconstitute the text of those books on the basis of later testimonies of the text, such as the *Synopsis Basilicorum Maior*, the *Ecloga Basilicorum*, the *Florilegium Ambrosianum* and the *Tipucitus*.²⁶ It gets even worse. For the compilation of his Supplement to Heimbach's Basilica edition, Zachariä von Lingenthal based himself on a palimpsest manuscript: the *scriptura inferior* of this manuscript dates from the twelfth/thirteenth century and contains the books 15–18 of the Basilica, accompanied by old *scholia*.²⁷ The manuscript in question, cod. rescr. Berol. gr. fol. 28 – kept in the Preußische Staatsbibliothek –, was considered lost during the second World War, and could, despite repeated attempts, not be found again. Consequently, Scheltema, Holwerda and Van der Wal were forced to use Zachariä's edition, based on the latter's *apographum* of the Berlin palimpsest.²⁸

They succeeded in improving Zachariä's edition without being able to consult the manuscript.²⁹ Meanwhile, the Berlin palimpsest has eventually resurfaced in the Polish city of Cracow... It is presently known as cod. rescr. Krakov. Jagiellońska 28/266. In theory, it is now possible to check the editions of both Zachariä and Scheltema/Van der Wal against the actual *codex rescriptus*.³⁰

Recently, two other palimpsest manuscripts have been discovered in the framework of the EU funded international project *Rinascimento virtuale – Digitale Palimpsest-forschung*. It concerns cod. rescr. Vind. hist. gr. 10 and cod. rescr. Vind. Suppl. gr. 200.³¹ The *scriptura inferior* of the former manuscript is now known as the *Florilegium Basilicorum Vindobonense* and contains parts of and extracts from the books 2, 3, 5 – 10, 16 and 19 of the Basilica. The lower script of the Vindobonensis Supplementum graecum 200 hands down parts from the books 21–26 and 28–29 of the

²⁶ On the *libri restituti* of the Basilica, cf. Van der Wal 1989.

²⁷ Zachariae a Lingenthal 1846.

²⁸ Cf. Scheltema & Van der Wal 1956, p. v–xiii; Scheltema & Holwerda 1957, p. v–x.

²⁹ On this, cf. Lokin 1989, p. 8–9 (208–209).

³⁰ Cf. Burgmann, Fögen, Schminck & Simon 1995, No. 92; Stolte 2005b, p. 62–63; cf. also Van Bochove 1996, p. 1 note 3.

³¹ On the codd. rescr. Vind. hist. gr. 10 and Vind. Suppl. gr. 200, cf. Grusková 2010a; Stolte 2010. On the Vindobonensis historicus graecus 10 (*Florilegium Basilicorum Vindobonense*), cf. also Grusková 2010b, p. 37–41; cf. finally Stolte 2005b, p. 63.

Basilica. The two palimpsest manuscripts from Vienna are – potentially – important for textual criticism of the Basilica,³² and for providing new text fragments from *libri restituti*: the Florilegium Basilicorum Vindobonense, e.g., transmits both some new fragments and some divergent versions of chapters from B. 19.³³ What is more, the Viennese manuscripts also hand down some marginal *scholia*.

Finally, new Basilica testimonies have also come to light as one of the results of the Frankfurt research project *Forschungen zur byzantinischen Rechtsgeschichte*. These testimonies consist of both text fragments and *scholia*. The testimonies have come down to us outside the direct transmission of the Basilica. A large quantity of hitherto unknown *scholia* has reached the present day via manuscripts handing down the text of the Synopsis Basilicorum Maior.³⁴ Further to be mentioned are the Florilegium Lesbiacum,³⁵ and the extended version of a commentary on the Nomocanon by Balsamon.³⁶ The testimonies are (potentially) of considerable value for both textual criticism of the Basilica – for instance as a supplement to the critical apparatus of the Groningen edition³⁷ – and for a sometimes more elaborate restitution of

³² Stolte has drawn the attention to a striking example in B. 25,4,10 (= C. 8,15,6). The until recently only manuscript handing down this chapter – cod. Paris. gr. 1348 (= Pa), dating from the beginning of the thirteenth century; cf. Burgmann, Fögen, Schminck & Simon 1995, No. 161 – transmits a rather incomprehensible phrase in this Basilica chapter (BT 1213/10-11): [...] τῆς περὶ τῶν ὑποτεθέντων ἐπὶ τῷ μισθώματι ἀγωγῆς τὰ ἐν καλοῖς ὑποτίθεσθαι βουλομένης. In their app. crit. ad loc., Scheltema and Van der Wal observe: τῆς περὶ – βουλομένης: interpretes (sc. antiquus; cf. BT 1213 app. ad l. 9) scripserat ‘τῆς Servianūs τὰ ἐν bonis ὑποτίθεσθαι βουλομένης’, quae male vertit exhellenista’. On f. 19^r, l. 10, the lower script of cod. Vind. Suppl. gr. 200 hands down precisely this phrase, thus explicitly confirming the conjecture of the editors of the Basilica text; for all this, cf. Stolte 2010, p. 147 with fig. 33 on p. 182.

³³ For the precise details, and for the value of the Florilegium Basilicorum Vindobonense with regard to the restitution of B. 19, cf. Stolte 2010, p. 142-146.

³⁴ Dittrich 1993; Getov 2005.

³⁵ On the Florilegium Lesbiacum, transmitted in cod. Lesb. Λειμῶνος 218, dating from the second half of the fifteenth century, cf. Burgmann & Fögen 1982; on the manuscript, cf. Burgmann, Fögen, Schminck & Simon 1995, No. 114. Cf. also Stolte 2005b, p. 63.

³⁶ Tiftixoglu & Troianos 1993, p. 148-179; Tiftixoglu 1991, p. 496 ff. Cf. also Stolte 2005b, p. 63.

³⁷ Cf. e.g. Burgmann & Fögen 1982, p. 171-178 (*Liste der in L. erhaltenen*

Basilica titles which so far lack direct transmission.³⁸ The Dutch scholar Bernard Stolte has repeatedly called for a volume containing *Addenda et corrigenda* to the new edition of the Basilica.³⁹ There is ample reason to heed his wish.

2. Textual criticism? Quellenforschung! A case study of the Novel part of the first book of the Basilica

- 2.1. In her detailed codicological analysis of the Florilegium Basilicorum Vindobonense, Jana Grusková observes the following:

Über den eigentlichen Begin des alten Codex (= the scriptura inferior of cod. rescr. Vind. hist. gr. 10) sind wegen des Fehlens von Kustoden und wegen des lediglich auf einer Rekonstruktion basierenden Charakters des ersten Basiliken-Buches keine zuverlässigen Aussagen möglich.⁴⁰

Grusková's observation touches upon a serious problem concerning the first book of the Basilica. The text of this book is transmitted by as much as two manuscripts, viz. cod. Coisl. gr. 151 (*siglum*: Cb)⁴¹ and cod. Paris. gr. 1352 (*siglum*: P).⁴² Fabrot based his edition of the text of B. 1 on P, whereas Cb underlies the text of B. 1 in Heimbach's edition.⁴³ In the Groningen edition of the Basilica, however, the first book is a *liber restitutus*, the restitu-

Basilikenstellen); Tiftixoglu & Troianos 1993, p. 148 and 169-179 (*Liste der im Kommentar des Sinaiticus erhaltenen Basilikenstellen*).

³⁸ Cf. e.g. Fögen 1979. For the restitution, Fögen based herself on a collection of *scholia* pertaining to the Synopsis Basilicorum Maior, transmitted in two manuscripts, viz. the codd. Const. (= Athen.) Μετόχιον Παναγίου Τάφου 25 (dating from the first half of the fourteenth century; cf. Burgmann, Fögen, Schminck & Simon 1995, No. 15), and Marc. gr. 174 (dating from the fourteenth century; cf. Burgmann, Fögen, Schminck & Simon 1995, No. 291).

³⁹ Cf. Stolte 2005b, p. 63; Stolte 2011, p. 674-675.

⁴⁰ Grusková 2010b, p. 39.

⁴¹ Cod. Coisl. gr. 151 dates from the first half of the fourteenth century and contains the first nine books of the Basilica without *scholia*; cf. Burgmann, Fögen, Schminck & Simon 1995, No. 202. Cb is the *siglum* used in the Groningen Basilica edition; cf. Scheltema & Van der Wal 1955, p.v.

⁴² Cod. Paris. gr. 1352 dates from the beginning of the thirteenth century and hands down the preface and the books 1-18 of the Basilica, accompanied by *scholia*; cf. Burgmann, Fögen, Schminck & Simon 1995, No. 166. P is the *siglum* used in the Groningen Basilica edition; cf. again Scheltema & Van der Wal 1955, p.v.

⁴³ On this, cf. Zachariä von Lingenthal 1877, p. 15 (589); cf. also Schminck 1986, p. 52 and 54, with further references).

tion being based on later testimonies of the text. What prompted Scheltema and Van der Wal to present the text of the first book of the Basilica in the form of a restitution, instead of basing its edition first and foremost on Cb and P? Section 2 of the present article intends to shed some new light on this issue, while focusing on the Novel part of the first Basilica book, viz. the part containing the text of seven Novels, six of them originally issued by the emperor Justinian, and one by his direct successor Justin II. Two sources pre-eminently belonging to the field of *Quellenforschung* play a key role in this case study: it concerns two *indices titulorum* of the Basilica.

2.2. With regard to B. 1, Scheltema and Van der Wal observed the following:

Hoc volumen unum tantum continet librum restitutum, librum I sc. Formam enim qua datur hic liber in codicibus Cb et P non genuinam esse demonstravit Zachariae von Lingenthal, Mémoires de l'Acad. Imp. de St. Pétersbourg, Sér. 7, Tom. XXXIII [leg. XXIII], No. 6 (1877), cuius argumenta hic repetere non opus est. Vulgo eum secuti sumus in restituendo hoc libro, hic illic tantum ab eo dissentimus. Libri I textum spurium quem praebent Cb et P inter Appendices recipimus, quas separatim edere in animo est.⁴⁴

What was it, then, that led Zachariä von Lingenthal to qualify the text of the first book of the Basilica as presented by Cb and P as spurious? According to Zachariä, Cb and P essentially concur in B. 1, on the understanding that P often curtails the text by omitting the middle- or final part of Basilica chapters, or even skipping chapters in their entirety. Thus, P does not present a divergent recension of B. 1, but can only be characterized as an incomplete – viz. full of blanks – rendering of the text of Cb, some sort of epitome. In its turn, the text in the latter manuscript strongly deviates from the text of the first book as restituted on the basis of the testimonies. Between the chapters 4 and 5 of B. 1 – the first book of the Basilica consists of only one title –, Cb intercalates the constitutions 5, 6, 7 and 8 from the Codex title *De haereticis* (= C. 1,1,5–8) and const. 29 from the Codex title

⁴⁴ Scheltema & Van der Wal 1955, p. xi.

De episcopis (= C. 1,3,29). However, the twelfth century canonist Theodore Balsamon (ad Phot. I, 1. 5. and XI, 4)⁴⁵ explicitly states that the just mentioned constitutions from the Code have not been adopted into the text of the Basilica. Moreover, Cb transmits constitutions from the Code mainly in their Greek original, or in a verbatim translation containing but few abbreviations, whereas the testimonies of B. 1 merely contain Thalelaios's *index* of these constitutions.⁴⁶ Zachariä explained the inconsistencies between the text of B. 1 in Cb and that in the testimonies by assuming interpolations made by the scribe of Cb or of its prototype. This scribe might have been a cleric who felt the urge to present the text of the first book – which deals with the Holy Trinity and with the catholic faith – in a very extensive form. With this in mind, he replaced the authentic Basilica text by the original Greek constitutions or by verbatim translations (κατὰ πόδας), stemming partly from the old *scholia*, partly from other sources. In his turn, the scribe of P proceeded in the opposite way: the prototype of P may have been a manuscript not unlike Cb in the presentation of the text of B. 1, and the scribe of P may have curtailed this text because he felt it to be too extensive. Zachariä concluded his remarks with the emphatic pronouncement that one should not explain the divergencies between the text of B. 1 in Cb/P and that in the testimonies by assuming different editions or publications of the Basilica:

Jedenfalls darf man die bezeichneten Verschiedenheiten nicht aus verschiedenen wiederholten amtlichen Ausgaben oder Publicationen der Basiliken erklären wollen. Es wird neuerdings allgemein anerkannt, dass es dergleichen mehrfache verbesserte oder veränderte Publicationen überhaupt nicht gegeben habe. [...] Vollendet und publicirt worden sind die Basiliken erst unter Leo dem Weisen, und auf diese Publica-

⁴⁵ = Bals. Comment. in Nomoc. XIV Tit. 1,1; 1,5 and 11,4 (Rhallis & Potlis 1852, p. 35, 43 and 257 resp.). The first passage reads for instance: 'Ἡ πρώτη διάταξις τοῦ α' τίτλου τοῦ α' βιβλίου τοῦ κώδικός ἐστι κεφ. α' τοῦ α' βιβλίου τῶν βασιλικῶν [...]· ἡ δὲ ε', ζ', ζ' καὶ ἡ διάτ. οὐκ ἐτέθησαν εἰς τὰ βασιλικὰ 'The first constitution of the first title of the first book of the Code is chapter 1 of the first book of the Basilica [...]; the const. 5, 6, 7 and 8 were not incorporated into the Basilica'.

⁴⁶ On Thalelaios, cf. § 1.2 with note 5 above. On (the restitution of) the Codex part of B. 1, cf. e.g. Stolte 2010–2011.

tion ist keine neue Auflage erfolgt, so dass Verschiedenheiten in den überlieferten Texten der Basiliken in keiner Weise aus der Existenz verschiedener amtlicher Ausgaben erklärt werden dürfen.⁴⁷

With regard to Zachariä's line of reasoning, the key question is, of course, whether or not the testimonies of the text of B. 1 must indeed outweigh the direct transmission of that text in Cb and P. The editors of the Groningen edition of the Basilica answered this question in the affirmative.

- 2.3. For his reconstruction of the Novel part of the first book of the Basilica, Zachariä adduced a number of sources, among which the Index Reginae, Theodore Balsamon's commentary on the Nomocanon XIV Titulorum and on the Syntagma canonum, and the revision of the Nomocanon which was compiled by the βέσσης Theodore in the year 1089/90.⁴⁸ However, close reading of Zachariä's actual restitution of B. 1 reveals that he relied heavily on the Index Reginae.⁴⁹ In their turn, Scheltema and Van der Wal referred to more or less the same sources as Zachariä, with one very important addition: for their restitution of the Novel part of B. 1, Scheltema and Van der Wal paid close attention to the testimony of Cb and P, and even used the manuscripts in their collation of the text.⁵⁰

Seven Novels make their appearance in B. 1, viz. the Novv. 37, 131, 42, 109, 144, 146 and 132, in that sequence. In order to illustrate the similarities and the differences between Zachariä's reconstruction of the Novel part of B. 1 on the one hand and

⁴⁷ For all this, cf. Zachariä von Lingenthal 1877, p. 15–17 (589–591), *passim*.

⁴⁸ For a complete specification of all sources mentioned by Zachariä, cf. Zachariä von Lingenthal 1877, p. 1–2, and 4 (575–576 and 578). On the Index Reginae (= IndReg.), cf. § 2.4 below. Edition of Balsamon's commentary on the Nomocanon: cf. note 45 above. Edition of his commentary on the Syntagma canonum: Rhallis & Potlis 1852–1854. Edition of the revision of the Nomocanon compiled by the βέσσης Theodore: Pitra 1868, p. 445–637. On the βέσσης Theodore, cf. most recently Schminck 1998, *passim*.

⁴⁹ For this, cf. further down in the text of the present paragraph.

⁵⁰ Cf. BT 8/14 – BT 14/25 app. test. and app. crit.; on the testimonies used in BT, cf. Scheltema & Van der Wal 1955, p. ix–x, and xiv–xv (*Conspectus operum ex quibus testimonia laudantur*). It should be noted that Scheltema and Van der Wal ignored the testimony of Cb and P for their restitution of the Codex part of B. 1; cf. BT 1/7 – BT 8/13 app. test. and app. crit.

that of Scheltema and Van der Wal on the other, the following diagram has been drawn up:

	B. 1	Zach.	BT
c. 45	Nov. 37	◁ TheodBrev. 37 § 2	◁ TheodBrev. 37 §§ 5,6 (Cb P)
c. 46	Nov. 37	◁ TheodBrev. 37 § 3	◁ TheodBrev. 37 § 7 (Cb P)
c. 47	Nov. 37	◁ TheodBrev. 37 § 4	◁ TheodBrev. 37 § 7 (Cb P)
c. 48	Nov. 37	◁ TheodBrev. 37 § 5	◁ TheodBrev. 37 § 8 (Cb P)
c. 49	Nov. 131	◁ TheodBrev. 131 §§ 21,22,24,25	◁ Att. III,4
c. 50	Nov. 42	◁ TheodBrev. 42 § 2	◁ TheodBrev. 42 (§ 2) (Cb P)
c. 51	Nov. 109	◁ NT (Nov. 109 ini- tio et fine truncata)	◁ NT (Nov. 109 ~ M/L (SK) Cb P)
c. 52	Nov. 144	◁ NT (Nov. 144 c. 1, c. 2)	◁ NT (Nov. 144 ~ M/L (SK) Cb P)
c. 53	Nov. 146	◁ NT (Nov. 146 c. 1, c. 2, c. 3)	◁ NT (Nov. 146 ~ M/L (SK) Cb P)
c. 54	Nov. 132	◁ NT (Nov. 132)	◁ NT (Nov. 132 ~ M/L (SK) Cb P)

LEGENDA: Data derived from Zachariä von Lingenthal 1877, p. 13-15 (587-589) and BT 8/14 - BT 14/25 with the app. test. and the app. crit. | c. = caput | ◁ = text version of the Novel as appearing in the reconstruction of the Novel part of B. 1 ultimately stemming from ... | TheodBrev. = Theodori Hermopolitani Breviarium Novellarum Justiniani, ed. Zachariae 1843, p. 1-165 | Att. = Michael Attaleiates Πόνημα νομοζών, ed. L. Sgoutas in Zepos & Zepos 1931, p. 409-497 | NT = Novellarum Textus (full text of the Novels of Justinian in the Collectio CLXVIII Novellarum, transmitted in the codd. Marc. gr. 179 (= M) and Laurent. plut. 80,4 (= L)) | ~ = NT, collated on the basis of Cb, P and M/L as edited in Schöll & Kroll 1895 (= SK, in what follows quoted after page and line) |

The above requires some comment. From the diagram, it is evident that the reconstructions of the Novel part of B. 1 compiled by Zachariä and by the editors of BT are indeed very similar. Apart from the fact – already mentioned above – that for their restitution, Scheltema and Van der Wal took Cb and P into consideration and used both manuscripts for their collation of the text, there is only one marked difference. With regard to Nov. 131, Zachariä adopted the text version of the Novel as occurring in Theodore of Hermoupolis's Breviarium of Justinian's Novels, whereas Scheltema and Van der Wal adopted the text version as

it appears in Attaleiates's Πόνημα νομικόν.⁵¹ Zachariä justified his selection of TheodBrev. 131 as follows:

Nach Pitra p. 584 könnte es scheinen, als ob die Basiliken hier den Text der Nov. 131 c. 14 enthalten hätten. Allein der Index Reginae giebt an, dass die διαίρεσεις κ', κα', κγ', κδ' d.i. die capp. 21, 22, 24, 25 aus Theod. Breviar. Nov. 131 den Text gebildet haben.⁵²

Evidently, Zachariä set great store by the value of the testimony of the Index Reginae. The same appears from his comments on three other Novels. With regard to Nov. 109, he observed: *Text der Nov. 109. Der Index Reginae sagt: βι. α' τί. α' κεφ. με' ή ὅλη νεαρά;* regarding Nov. 146: *Index Reginae: βι. α' τί. α' κεφ. νγ' ή ὅλη νεαρά;* and, finally, with regard to Nov. 132: *Index Reginae: βι. [α' τί.] α' κεφ. κδ' (lege νδ') ή ὅλη νεαρά.*⁵³ Concerning the latter three Novels, Zachariä selected the full text of the Novels of Justinian for his reconstruction of the Novel part of B. 1. Apparently, he considered the term διαίρεσις as a reference to the text units in the subdivision of the summaries of the Novels in Theodore's Breviarium (Nov. 131), and the phrase ή ὅλη νεαρά as an allusion to the original text of Justinian's Novels (Novv. 109, 146 and 132). Was Zachariä right in putting so much trust in the Index Reginae? And was he right in his interpretation of the terms διαίρεσις and ή ὅλη νεαρά;⁵⁴

- 2.4. The Index Reginae (IndReg.) is a list of the Novels of Justinian, transmitted in cod. Paris. gr. 1349.⁵⁵ In the IndReg., the Novels

⁵¹ Cf. BT 8/22–25 with app. crit. ad l. 22 μηδεὶς κτλ.: 'sic Att.; Zach. hic Theodori epitomam transponit nisus Indice Reginae sed testimonium Attaliothae respuens'. Cb f. 44^{r/v} hands down the text of Nov. 131 c. 14 (SK 662/28 – 663/31), P f. 5^v–6^r transmits Nov. 131 c. 14 init. (SK 662/28–31 ἐκκλησίᾳς), followed by TheodBrev. 131 §§ 21, 22 and 25; cf. SK 662 app. test. I have consulted Cb and P on microfilms which are kept in the Department of Legal History of Groningen University.

⁵² Zachariä von Lingenthal 1877, p. 14 (588) note 1.

⁵³ Zachariä von Lingenthal 1877, p. 14 (588) note 3, and p. 15 (589), notes 1 and 2.

⁵⁴ On the terms διαίρεσις and ή ὅλη νεαρά, cf. Van Bochove 2001, *passim*.

⁵⁵ On the IndReg. in general, cf. Van Bochove 2001, p. 63–72, *passim*, with further references in p. 64 note 88. On the Parisinus (dating from the eleventh century), cf. Burgmann, Fögen, Schminck & Simon 1995, No. 162. The Parisinus transmits among others the books 45–48 of the Basilica, accompanied by numer-

bear the same numbers and are enumerated in the same sequence as the Novels in the *Collectio CLXVIII Novellarum*. However, the rubrics of the Novels in the *IndReg.* do not correspond with those of the Novels in the *Collectio*. It was Zachariä himself who observed a strong resemblance between the rubrics in the *IndReg.* on the one hand and those in the *πίναξ τῶν νεαρῶν* preceding Theodore's *Breviarium* in its only text carrier, viz. *cod. Athon. Μεγίστη Λαύρα Θ 65*, on the other hand. Like this *πίναξ*, Zachariä identified the *IndReg.* as a title *index* – or rather, an *index* of rubrics – of Theodore's *Breviarium*.⁵⁶ The *Index Reginae* itself, however, is more than a bare listing of the numbers and the rubrics of the Novels in *TheodBrev.* The *IndReg.* also provides detailed information if, and where individual Novels occur in the text of the *Basilica*: the *IndReg.* does so by means of the addition of a large number of notes indicating which (parts of) Novels occur in which book and title – and sometimes even chapter – of the *Basilica*. In these notes, we come across the phrases οὐδὲ αὕτη κεῖται (indicating that the relevant Novel is lacking in the text of the *Basilica*), and, more importantly, ἡ ὅλη νεαρά (meaning that the Novel concerned occurs in the text of the *Basilica* in its entirety). We also meet the term διαίρεσις accompanied by Greek numbers.⁵⁷ The addition of these notes turns the *IndReg.* into a tantalizing tool for *Quellenforschung*.

With regard to the Novels occurring in the first book of the *Basilica*, then, the *Index Reginae* contains the following lemmata:

ous *scholia*. The *IndReg.* occurs on the ff. 236^v–238^v (pos. 7, written by hand B). Edition of the *IndReg.*: Heimbach 1840, p. 237–246.

⁵⁶ Cf. Zachariae 1843, p. xxvi–xxvii and p. 1 note 1. In the *Athonensis*, the *πίναξ τῶν νεαρῶν* occurs on the ff. 164^r–167^v, directly preceding and entirely based on *TheodBrev.*, though not compiled by Theodore himself. Theodore Scholastikos – originating from Hermoupolis in the Thebaid in Upper-Egypt – composed his *Breviarium* of Justinian's Novels somewhere after the year 575; on the *Breviarium* in general, cf. Van Bochove 2001, p. 63–72, *passim*, with further references in p. 64 note 86. On *cod. Athon. Μεγίστη Λαύρα Θ 65* (dating from the first half of the eleventh century), cf. Burgmann, Fögen, Schminck & Simon 1995, No. 31.

⁵⁷ For the details, cf. Heimbach 1840, p. 237–246. For a discussion of the notes alluding to the *Basilica*, cf. the literature on the *IndReg.* quoted in Van Bochove 2001, p. 64 note 88.

- (1) IndReg. Λζ´· περὶ τῶν ἐν Ἀφρικῇ ἐκκλησιῶν. Βιβ. α´ τῶν Βασιλικῶν τιτ. α´ κεφ. με´ διαίρεσις β´, γ´, δ´, ε´.
Nov. 37: ‘Novel 37: the Churches in Africa. Book 1 of the Basilica, title 1, chapter 45: sections 2, 3, 4, 5’.
- (2) IndReg. Ρλα´· περὶ ἐκκλησιαστικῶν κανόνων καὶ πραγμάτων ἀποκαταστάσεως καὶ ὀρφανοτρόφων. Βιβ. α´ τιτ. α´ κεφ. μθ´ διαίρεσις κ´, κα´, κγ´, κδ´.
Nov. 131: ‘Novel 131: ecclesiastical canons, restitution of goods, and supervisors of orphanages. Book 1, title 1, chapter 49: sections 20, 21, 23, 24’.
- (3) IndReg. Μβ´· περὶ ἐπισκόπων ἀναθεματισθέντων. Βιβ. α´ τῶν Βασιλικῶν τιτ. α´ κεφ. ν´.
Nov. 42: ‘Novel 42: anathematized bishops. Book 1 of the Basilica, title 1, chapter 50’.
- (4) IndReg. Ρθ´· περὶ αἵρετικῶν. Βιβ. α´ τιτ. α´ κεφ. με´ ἡ ὅλη νεαρά.
Nov. 109: ‘Novel 109: heretics. Book 1, title 1, chapter 45: the entire Novel’.
- (5) IndReg. Ρμδ´· περὶ Σαμαρειτῶν. Βιβ. α´ τιτ. α´ κεφ. να´.
Nov. 144: ‘Novel 144: Samaritans. Book 1, title 1, chapter 51’.
- (6) IndReg. Ρμζ´· ὅτι δεῖ τοὺς Ἑβραίους ἀναγινώσκειν τὰς γραφὰς καὶ ἑβραιστί. Βιβ. α´ τιτ. α´ κεφ. νγ´ ἡ ὅλη νεαρά.
Nov. 146: ‘Novel 146: Hebrews must read the Scriptures also in Hebrew. Book 1, title 1, chapter 53: the entire Novel’.
- (7) IndReg. Ρλβ´· περὶ αἵρετικῶν. Βιβ. [α´ τιτ.] α´ κεφ. νδ´ ἡ ὅλη νεαρά.
Nov. 132: ‘Novel 132: heretics. Book 1, title 1, chapter 54: the entire Novel’.⁵⁸

⁵⁸ For all this, cf. Heimbach 1840, p. 239 (No. (1)), p. 244 (No. (2)), p. 239 (No. (3)), p. 243 (No. (4)), p. 245 (No. (5) and No. (6)), and p. 244 (No. (7)). With regard to quotations from the IndReg., I have generally adopted Heimbach’s text and readings, with some tacit emendations and modifications, based on a consultation of a microfilm of the Parisinus 1349. It should be noted that (1) abbreviations are dealt with in accordance with the system used in the edition of ICb 2; thus, βιβ. stands for βιβλίον, and τιτ. for τίτλος; contrary to ICb 2, however, κεφάλαιον has been written as κεφ. The phrases διαίρ. and βασιλ. have been rendered in full (διαίρεσις and βασιλικῶν resp.). (2) The use of square and angle brackets ([] and < > resp.) is in accordance with the system underlying the edition of the Basilica; on this, cf. e.g. Scheltema & Van der Wal 1955, p. xvii. The lemma IndReg. Nov. 132 requires some comment of its own: Heimbach read βι. ... α κεφ. κδ´ ἡ ὅλη νεαρά. On the microfilm of the Parisinus (f. 238r), I have been unable to read (and thus verify) everything Heimbach read; however, the manuscript does certainly not read κδ´, but νδ´. On ICb 2, cf. § 2.6 below.

In view of the above lemmata, it is hardly surprising that Zachariä came to rely heavily on the IndReg. for his restitution of the Novel part of B. 1. On the face of it, his identification of the term διαίρεσις in the Index Reginae as a reference to the – unnumbered⁵⁹ – text units in the subdivision of the summaries of the Novels in TheodBrev. would seem to make perfect sense, and is only too understandable. However, was Zachariä right in this identification?

When Zachariä first identified the Index Reginae for what it truly is – viz. an *index* of rubrics of Theodore's Breviarium –, he rather cautiously hypothesized that the author of the IndReg. used TheodBrev. rather than the Collectio CLXVIII Novellarum for his purpose, viz. in order to indicate if and where a Novel occurred in the text of the Basilica:

Index vero noster (i.e. the πίναξ τῶν νεαρῶν in the Athonensis) rubricas epitomatas CLXVIII Novellarum continens mirum quantum convenit cum Indice Reginae, i.e. Indice Novellarum, quem [...] nuperrime [...] *Heimbachius* (Ἀνέκδ. To. II) [...] edidit. Unde mihi suspicio est, auctorem huius Indicis, quum notare vellet, quo quaeque Novella loco et an omnino in Basilicis collocata esset, non ipsam CLXVIII Novellarum collationem, sed potius Theodori Breviarium ad collationem instituendam adhibuisse.⁶⁰

In this hypothesis, Zachariä seems to have left the possibility open of the terms διαίρεσις and ἡ ὅλη νεαρά pertaining to one and the same literary work, be it TheodBrev. or the Collectio CLXVIII Novellarum. Despite his earlier caution, Zachariä later (viz. in his reconstruction of the Novel part of B. 1) understood the term διαίρεσις as referring to the subdivision of the sum-

⁵⁹ In Zachariä's edition of TheodBrev., the individual summaries are mostly subdivided into numbered paragraphs. These numbers owe their existence to Zachariä: they do not occur in cod. Athon. Μεγίστη Λαύρα Θ 65. In establishing his paragraphs, however, Zachariä was clearly inspired by the external features of the text of the Breviarium in the manuscript. For, in the Athonensis the text of the Novels is subdivided into smaller text units whose beginnings are marked by protrusion of the first letter of the first word. Zachariä's numbered paragraphs show a high degree of correspondence with the text units in the Athonensis, though they do not always concur. I have consulted the Athonensis on microfilm. Cf. also Zachariae 1843, p. xxix–xxx.

⁶⁰ Cf. again Zachariae 1843, p. xxvii.

maries of the Novels in TheodBrev., whereas he took the phrase ἡ ὅλη νεαρά as an allusion to the full text of the Novels in the Collectio CLXVIII Novellarum. In doing so, Zachariä ultimately made the terms διαίρεσις and ἡ ὅλη νεαρά refer to two different literary works. However, this does not seem altogether logical. It seems rather strange that the terms διαίρεσις and ἡ ὅλη νεαρά, given the fact that they both feature in the notes indicating if and where a Novel occurs in the text of the Basilica, would not refer to one and the same textual entity. What is more, the notes added to the Index Reginae themselves provide important information regarding the terms διαίρεσις and ἡ ὅλη νεαρά. For, the note belonging to Nov. 12 reads:

IndReg. Nov. 12: Ἰβ'· περὶ ἀθεμτογαμῶν. Βιβ. κη' τῶν Βασιλικῶν τιτ. ζ' κεφ. α'· ἡ ὅλη νεαρά, πλὴν τῆς ὑστέρως διαιρέσεως.⁶¹

This lemma proves short and sweet that the term διαίρεσις relates to a subdivision of individual Novels, and that the phrases διαίρεσις and ἡ ὅλη νεαρά both pertain to one and the same literary work.

- 2.5. Recent research has established that the term διαίρεσις alludes to a subdivision of the text of Justinian's Novels into smaller text units as occurring in recension L of the Collectio CLXVIII Novellarum.⁶² It has already been pointed out that this Collectio has been transmitted by two manuscripts, viz. the codd. Marc. gr. 179 (= M) and Laurent. plut. 80,4 (= L). In its presentation of the Collectio, L strongly deviates from M: in the Laurentianus, the text has been altered by the omission of both complete Novels and minor text portions, by modifications and by transpositions of passages from one Novel to another. All omissions, modifications and transpositions taken together show that the text of the Collectio has undergone some sort of systematic update, aiming at the elimination of useless repetitions and of passages containing rules abrogated by more recent Novels. Apparently, the author of the version of the text represented by L wanted to

⁶¹ Heimbach 1840, p. 238; transl.: 'Novel 12: unlawful marriages. Book 28 of the Basilica, title 6, chapter 1: the entire Novel, except the final section'.

⁶² Cf. Van Bochove 2001, *passim*, in particular p. 76–86.

produce a compilation of Novels that exclusively contained valid rules of law. All in all, there is sufficient reason to conclude that the text version of the *Collectio CLXVIII Novellarum* in cod. Laurent. plut. 80,4 represents a separate recension of the *Collectio*, known as recension L.⁶³ This recension of the *Collectio CLXVIII Novellarum* underlies the Novel part of the text of the *Basilica*.⁶⁴ It has also left traces in the two *indices titulorum* of the *Basilica* which cover the first book of that compilation of laws, viz. ICb 2 and ICb.

- 2.6. ICb 2 is a partial *index titulorum* of the *Basilica*. It covers the first nine books of this compilation of laws, and is transmitted in cod. Coisl. gr. 151 (ff. 19^r–22^v), also known as Cb, the very same manuscript that hands down the text version of the first book of the *Basilica* underlying the edition prepared by Heimbach. ICb 2 is so designated because after ICb – the *Index Coislinianus* – it is the second *index titulorum* of the *Basilica* handed down in Cb.⁶⁵ The core of ICb 2 goes back to the later ninth century, the same period during which the text of the *Basilica* itself was compiled. In Cb, the text of ICb 2 and that of the first nine books of the *Basilica* were written by one and the same scribe (hand A). In its original and purest form, ICb 2 was nothing more than a bare list of *Corpus Iuris* source references. The *index* divided the text of B. 1 – B. 9 into titles and enumerated for each of these titles which provisions from Justinian's legislation – which were always accompanied by their respective rubrics – made up the text of those titles. Within each title, the *index* also mentioned *Basilica* chapters, always by using the phrase κεφάλαιον. These chapters marked the beginning of a new series of fragments derived from

⁶³ On recension L of the *Collectio CLXVIII Novellarum* in general, cf. Van der Wal 1981. For all the relevant details, cf. p. 150–151 of the latter article (omission of complete Novels; a list of the omitted minor passages occurs in p. 150 note 4), p. 151–152 (transposition of passages from one Novel to another), and p. 152 (modifications). On cod. Marc. gr. 179 – dating from the end of the twelfth / beginning of the thirteenth centuries –, cf. Burgmann, Fögen, Schminck & Simon 1995, No. 296. On cod. Laurent. plut. 80,4 – dating from the second half of the thirteenth century –, cf. Burgmann, Fögen, Schminck & Simon 1995, No. 67. For a complete listing of all manuscripts handing down (parts of) Novels, cf. Burgmann, Fögen, Schminck & Simon 1995, p. 408–409.

⁶⁴ On this, cf. Van Bochove 2001, p. 76–78 with further references.

⁶⁵ On the *Index Coislinianus* (ICb), cf. § 2.7 below.

one particular Digest title, of constitutions from one particular title from the Code, and of (parts from) particular Novels. The transmission of the text of the *index* through the centuries has caused fractures in this overall pattern: while ICb 2 provides full scale information in some of its parts, it is defective in others. Sometimes, e.g., ICb 2 omits Corpus Iuris source references altogether and merely lists Basilica title rubrics.⁶⁶ However this may be, because of its date and of its general features, ICb 2 is to be looked upon as an excellent tool for *Quellenforschung*.

With regard to the seven Novels occurring in the first book of the Basilica, ICb 2 comes up with the following data:

- (1) Nov. 37: Κεφάλαιον με'. Νε. λζ'. περὶ τῶν ἐν Ἀφρικῇ ἐκκλησιῶν διαίρεσις β', γ', δ', ε'.
'Chapter 45. Novel 37: the Churches in Africa; sections 2, 3, 4, 5'.
- (2) Nov. 131: Νε. ρλα'. περὶ ἐκκλησιαστικῶν κανόνων διαίρεσις κ', κα', κβ', κγ', κδ'.
'Novel 131: ecclesiastical canons; sections 20, 21, 22, 23, 24'.
- (3) Nov. 42: Κεφάλαιον μθ'. Νε. μβ'. περὶ ἐπισκόπων ἀναθεματισθέντων διαίρεσις β'.
'Chapter 49. Novel 42: anathematized bishops; section 2'.
- (4) Nov. 109: Κεφάλαιον ν'. Νε. ρθ'. περὶ αἰρετικῶν καὶ γυναικῶν αὐτῶν ἢ ὅλη νεαρά.
'Chapter 50. Novel 109: heretics and their wives; the entire Novel'.
- (5) Nov. 144: Κεφάλαιον νβ'. Νε. ρμδ'. περὶ Σαμαρειτῶν ὅλη.
'Chapter 52. Novel 144: Samaritans; the entire Novel'.
- (6) Nov. 146: Κεφάλαιον νγ'. Νε. ρμζ'. περὶ Ἑβραίων πῶς δεῖ τὰς γραφὰς ἀναγινώσκειν ὅλη.
'Chapter 53. Novel 146: Hebrews, how to read the Scriptures; the entire Novel'.

⁶⁶ For all this, cf. Van Bochove 1999, p. 5, 7 and 13-18; cf. also Burgmann, Fögen, Schminck & Simon 1995, No. 202, descriptive heading and pos. 2.

- (7) Nov. 132: Κεφάλαιον νδ'. Νε. ρλβ' ἴδικτον Κωνσταντινουπόλταις ἢ περὶ αἵρετικῶν.
 'Chapter 54. Novel 132: edict to the people of Constantinople, or [the edict] on heretics'.⁶⁷

On the face of it, the above data from ICb 2 show a good deal of correspondence with those from the Index Reginae, so much so that with regard to the use of the phrases διαίρεσις and ἡ ὅλη νεαρά, the two *indices* seem to be closely related. However, there are also differences.⁶⁸

In its Novel part of B. 1, ICb 2 presents solid evidence of the use of recension L of the Collectio CLXVIII Novellarum.

First, there is the lemma pertaining to Nov. 37. Here, ICb 2 quotes the rubric of TheodBrev. 37. One might wonder why ICb 2 refers to TheodBrev. The answer to this question is quite simple. In the year 535, Justinian issued Nov. 37 in Latin. Because of this, it was not Nov. 37 itself that was eventually adopted into recension L, but its Greek counterpart and summary in Theodore's Breviarium. TheodBrev. 37 has only been transmitted in cod. Laurent. plut. 80,4,⁶⁹ a clear indication that it once must have been part of recension L. TheodBrev. 37 must have reached the ultimate original of ICb 2 via a prototype of the Laurentianus, viz. the copy of recension L underlying the Novel part of BT.⁷⁰

Second, there is the case of Nov. 146. Of this Novel, ICb 2 quotes a version of the rubric which only occurs in L.⁷¹ Thus, we have a clear indication that the rubric of Nov. 146 in ICb 2 ultimately originates from recension L.⁷²

- 2.7. The second *index titulorum* of the Basilica covering their first book is the Index Coislinianus, also designated as ICb. This *index titulorum* encompasses the complete text of the Basilica, dividing it into 60 books and the books again into titles. The titles are

⁶⁷ For all this, cf. ICb 2, 35–54 (ed. Van Bochove 1999, p. 24).

⁶⁸ For a specification of the similarities and the differences between ICb 2 and the IndReg., also regarding the Novel part of B. 1, cf. Van Bochove 2001, p. 69–72.

⁶⁹ Cf. SK 244 test.: 'Nov. XXXVII [...] Latine tantum extat. – Epit. Theod. 37 (inde L et B. 1, 1, 49–52), [...]'.
⁷⁰ For all this, cf. Van Bochove 2001, p. 81–83.

⁷¹ Cf. SK 714 app. ad l. 7 περὶ Ἐβραίων.

⁷² Cf. Van Bochove 2001, p. 78.

provided with rubrics. The Index Coislinianus is handed down in Cb, ff. 1^r-18^r, directly preceding ICb 2. ICb so strongly resembles ICb 2 that the two *indices* must be closely related, even though they are not directly interdependent.⁷³ The Index Coislinianus – the core of which stems from the later ninth century – renders information regarding the contents of many individual Basilica titles by listing their constituent parts. For these titles, the *index* contains source references – accompanied by rubrics – to the legislation of Justinian. Potentially, this makes ICb a highly valuable tool for *Quellenforschung*, but the accessibility of the *index titulorum* constitutes a problem. For, ICb has not been published separately, but is to be consulted via two editions of the Basilica. With regard to the coverage of the first sixteen books of the Basilica, we still have to consult Heimbach's edition. Heimbach had each volume of his edition begin with an *index titulorum*: each *index* covered all titles of the Basilica books contained in the main text of the relevant volume. In his critical remarks to each *index*, Heimbach noted variant readings transmitted by the Index Coislinianus, including source references.⁷⁴ From B. 17 onwards, the *index* was used by Scheltema and Van der Wal. They regarded the Index Coislinianus as one of the testimonies of the text of the title rubrics of the Basilica and used the *siglum* ICb in order to refer to the *index*. With regard to the Basilica title rubrics, Scheltema and Van der Wal incorporated ICb's variant readings – including the source references to the legislation of Justinian – into their critical apparatus.⁷⁵ In what follows, the Index Coislinianus will be quoted after book and title of the Basilica, preceded by the *siglum* ICb and followed by the relevant note, page and volume of Heimbach's Basilica edition. These references will be accompanied by the exact location of the quotation concerned in cod. Coisl. gr. 151: the *siglum* Cb, followed by folio and line number.⁷⁶

With regard to the Novel part of B. 1, the Index Coislinianus reads as follows:

⁷³ On the interrelation of ICb and ICb 2, cf. Van Bochove 1999, p. 5-13.

⁷⁴ ICb covering B. 1 – B. 12: Heimbach 1833, p. xv-xx; ICb covering B. 13 – B. 16: Heimbach 1840, p. XIII-XIV.

⁷⁵ Cf. Scheltema & Van der Wal 1960, p. x and BT 847.

⁷⁶ For all this, cf. Van Bochove (forthcoming), *passim*, in particular § 2 and § 3.

- (1) Nov. 37: Κεφάλαιον με'. Νε. λζ'. περὶ τῶν ἐν Ἀφρικῇ ἐκκλησιῶν διαίρεσις β', γ', δ', ε'.
'Chapter 45. Novel 37: the Churches in Africa; sections 2, 3, 4, 5'.
- (2) Nov. 131: Νε. ρλα'. περὶ ἐκκλησιαστικῶν κανόνων διαίρεσις κ', κα', κβ', κγ', κδ'.
'Novel 131: ecclesiastical canons; sections 20, 21, 22, 23, 24'.
- (3) Nov. 42: Κεφάλαιον μθ'. Νε. μβ'. περὶ ἐπισκόπων ἀναθεματισθέντων διαίρεσις β'.
'Chapter 49. Novel 42: anathematized bishops; section 2'.
- (4) Nov. 109: Νε. ρθ'. Κεφάλαιον ν'. Περὶ αἰρετικῶν καὶ γυναικῶν αὐτῶν ἢ ὅλη νεαρά.
'Novel 109. Chapter 50. Heretics and their wives; the entire Novel'.
- (5) Nov. 144: Νε. ρμδ'. Κεφάλαιον νβ'. Κεφάλαιον να'. Περὶ Σαμαρειτῶν ὅλη.
'Novel 144. Chapter 52. Chapter 51. Samaritans; (the) entire (Novel)'.
- (6) Nov. 146: Νε. ρμβ' (leg. ρμζ'). Περὶ Ἑβραίων πῶς δεῖ τὰς γραφὰς ἀναγινώσκειν ὅλη.
'Novel 142 (read: 146): Hebrews, how to read the Scriptures; (the) entire (Novel)'.
- (7) Nov. 132: Νε. ρλβ'. Κεφάλαιον νδ'. Ἰδικτον Κωνσταντινουπολίταις ἢ περὶ αἰρετικῶν.
'Novel 132. Chapter 54. Edict to the people of Constantinople, or [the edict] on heretics'.⁷⁷

A comparison of the above passage from ICb with its counterpart in ICb 2 shows that the two *indices titulorum* are nearly com-

⁷⁷ ICb B. 1 (Heimbach 1833, p. xv not. b; Cb, f. 1r, ll. 25–31). The above passage from ICb requires some comment. First, between Κεφάλαιον με' and Νε. λζ' Cb transmits a redundant τῶν. Second, the passage as given in the main text is the result of close reading of Cb. However, I have not aimed at presenting a critical edition, but simply at providing an accurate rendering of the text as given in the manuscript. The reason for this is the fact that the text as printed by Heimbach is rather confusing. Moreover, it contains several inaccuracies and reading errors. As a result, it is very difficult to gain secure information from it. In his note, Heimbach presented the following text: – [Τιτ. ζ'.] Περὶ τῶν ἐν Ἀφρικῇ ἐκκλησιῶν.

pletely identical in their respective information concerning the Novel part of the first book of the Basilica. The lemmata of the Novv. 37 and 146 are the most important. For, in these lemmata the Index Coislinianus, too, presents clear traces of the use of recension L of the Collectio CLXVIII Novellarum by means of a reference to TheodBrev. 37 and a quotation of the rubric of Nov. 146 which exclusively occurs in L.⁷⁸

- 2.8. What are the consequences of all the above for the Novel part of B. 1, both the restituted version(s) and the version handed down by the manuscripts? Of the two manuscripts directly transmitting the text of B. 1,⁷⁹ Cb presents the following text units in the Novel part of the first book of the Basilica:

(1) Nov. 37	Cb, ff. 43 ^v –44 ^r	TheodBrev. 37
(2) Nov. 131	Cb, ff. 44 ^{r/v}	NT (SK 662/28 – 663/31)
(3) Nov. 42	Cb, f. 44 ^v	TheodBrev. 42 § 2

κεφ. με'. νεαρά λζ'. – [Tit. ζ'.] Περί ἐκκλησιαστικῶν κανόνων διαίρεσις β'. γ'. δ'. ε'. νεαρά ρλ α'. – [Tit. η'.] Περί ἐπισκόπων καὶ ἀναθεματισθέντων. διαιρέσις κε'. κα'. κη'. κγ'. κδ'. κεφ. μθ'. νεαρά μβ'. Περί αἰρετικῶν καὶ γυναικῶν αὐτῶν διαίρεσις β'. νεαρά ρθ'. κεφ. ν'. – [Tit. θ'.] Περί σαμαρειτῶν ἢ ὅλη νεαρά ρμδ', κεφ. να'. – [Tit. ι'.] Περί ἑβραίων, πῶς δεῖ τὰς γραφὰς ἀναγινώσκειν ὅλη νεαρά ρμη'. (leg. ρμς'.) Ὅλη νεαρά ρλβ'. κεφ. νδ'. Ἰδικτον Κωνσταντινουπολίταις ἢ περὶ αἰρετικῶν. One of the reasons why Heimbach's rendering of the text is so tangled up is the fact that he incorporated the alleged division of the first book of the Basilica into ten titles – for which ICb is the only source –, even though he put the title indications themselves between brackets of deletion. On the division of B. 1 into ten titles, and on its refutation, cf. Van Bochove 1999, p. 8–11; cf. also Van Bochove (forthcoming), § 4.

⁷⁸ Cf. § 2.6 with the notes 69–72 above.

⁷⁹ P should be disregarded, as it hands down only tiny scraps of text, even though these fragments do originate from all the Novels that make up the Novel part of B. 1. On f. 5^v, we read all the relevant fragments from Nov. 37 in the version of Theodore; ff. 5^v/6^r read Nov. 131 (starting with SK 662/28 ff., directly followed by TheodBrev. 131 § 21–25). F. 6^r may read TheodBrev. 42 § 2, but this is not entirely certain: P does not transmit the text of TheodBrev. 42 § 2 in its main text on f. 6^r. However, f. 5^v does hand down several paragraphs of TheodBrev. 37 in the left margin. For this reason, TheodBrev. 42 § 2 may occur in the margin of f. 6^r, even though I have been unable to verify this, as the margin of the folio is badly damaged by humidity and barely readable on the microfilm consulted. BT 9 test. ad B. 1,1,50 testifies to the presence of TheodBrev. 42 § 2 in P. Nov. 109 (starting with SK 518/23–25, followed by fragments from an unknown version) occurs on f. 6^r, as do Nov. 144 (SK 709/11–13), Nov. 146 (SK 715/13–17) and Nov. 132 (SK 665–666, partially omitted); for all this, cf. also BT 8–14 app.

(4) Nov. 109	Cb, ff. 44 ^v –45 ^v	NT (SK 517/15 – 519/35)
(5) Nov. 144	Cb, ff. 45 ^v –46 ^v	NT (SK 709/11 – 710/23)
(6) Nov. 146	Cb, ff. 46 ^v –47 ^v	NT (SK 715/13 – 717/23)
(7) Nov. 132	Cb, f. 47 ^v	NT (SK 665/7 – 666/3)

From this table, it appears that with the exception of the Novv. 37 and 42, all texts in the Coislinianus originate from the full text of the Novels of Justinian.

The presence of TheodBrev. 37 in the main text of the Basilica in Cb is to be explained in the same way as its presence in ICb 2 and ICb: a copy of recension L of the Collectio CLXVIII Novellarum containing TheodBrev. 37 must have underlain the Novel part of B. 1 in Cb. The compilers of the text of the Basilica incorporated TheodBrev. 37 from this copy of recension L into BT.⁸⁰

But how do we account for the occurrence of TheodBrev. 42 in Cb, (and in ICb 2 and the Index Coislinianus as well, for that matter)? Justinian issued this Novel – dating from the year 536 – in Greek, and it occurs in both M and L, the two manuscripts handing down the Collectio, so the presence of TheodBrev. 42 § 2 in B. 1 in Cb – and the clear reference to the Breviarium in the two *indices titulorum*⁸¹ – cannot be explained along the same lines as the presence of TheodBrev. 37. There seems to be only one logical explanation. For some unknown reason, the copy of recension L underlying the Novel part of B. 1 in Cb (and that in the ultimate originals of both ICb 2 and ICb), handed down Nov. 42 in the version from TheodBrev. instead of Justinian's own original Greek Novel. The copy of recension L used by the compilers of BT (and of the *indices titulorum*) need not necessarily have contained exactly the same text body as cod. Laurent. plut. 80,4. In connection with this, attention may be drawn to a somewhat similar case. It concerns Nov. 149, promulgated by the emperor Justin II in the year 569. The Laurentianus omits this Novel, but

⁸⁰ Cf. § 2.6 with the notes 69 and 70, and § 2.7 with note 78 above.

⁸¹ Cf. SK 263 test.: 'Nov. XLII [...] Graece extat in ML, [...]'. Presence of TheodBrev. 42 § 2 in B. 1: BT 9/1–2, SK 266 test. Reference to the Breviarium in the *indices titulorum*: both ICb 2 and ICb quote the rubric of TheodBrev. 42; cf. § 2.6 No. (3) above, § 2.7 No. (3) above, and TheodBrev. 42 rubr. (ed. Zachariae 1843, p. 55).

it does occur in the text of the Basilica, viz. in B. 6,3,42–45.⁸² A possible explanation is the suggestion that Nov. 149 did occur in the copy of recension L underlying the Novel part of the Basilica text, but for some unknown reason got lost in the course of the transmission, and is thus lacking in the Laurentianus 80,4.⁸³

Regarding Nov. 131, Cb presents the text portion corresponding with chapter fourteen from the Schöll/Kroll edition. Cb transmits the Novv. 109, 144, 146 and 132 in their entirety, with omission of (parts of) their prefaces and epilogues, which is usually the case in the text of the Basilica.

ICb 2 and ICb clearly state that of TheodBrev. 37 διαίρεσις β', γ', δ' and ε' are part of the text of B. 1, of Nov. 131 διαίρεσις κ', κα', κβ', κγ' and κδ', and of TheodBrev. 42 διαίρεσις β'. The two indices titulorum also observe that the Novv. 109, 144 and 146 belong to the Novel part of B. 1 in their entirety: ICb 2 and ICb do so by using the specification ἡ ὅλη νεαρά (for Nov. 109) and ὅλη (for the Novv. 144 and 146). Nov. 132 is the only Novel to lack a specification. On the basis of the note in the Index Reginae pertaining to Nov. 12,⁸⁴ it may be assumed that in ICb 2 and ICb, too, the phrases διαίρεσις and ἡ ὅλη νεαρά refer to text units originating from one and the same source. In the case of the two *indices titulorum* of the Basilica, this source is to be identified as a copy of recension L of the Collectio CLXVIII Novellarum, because both ICb 2 and ICb refer directly to TheodBrev. 37 and quote that version of the rubric of Nov. 146 that only occurs in L. It is only logical to assume that the same copy of recension L that served as source for the Novel part of B. 1 in ICb 2 and ICb, also underlay the text of the Novels occurring in the first book of the Basilica in Cb.⁸⁵ All in all, there is sufficient reason to conclude that in their Novel part of B. 1, the two *indices titulorum*

⁸² For the omission of Nov. 149 from L, cf. SK 723 test.: 'Nov. CXLIX inter Iustini novellas quarta Graece tantum extat in M f. 412.'; Van der Wal 1981, p. 150–151. Presence of Nov. 149 in the Basilica text: BT 187/19–189/17; Van der Wal 1981, p. 152 note 7. Nov. 149 occurs only in Cb; in P, the Novel is lacking; cf. BT 187 app. ad ll. 19 and 29, 188 app. ad ll. 11 and 31.

⁸³ On the issue of TheodBrev. 42 in B. 1, cf. also Van Bochove 2001, p. 83.

⁸⁴ IndReg. Nov. 12, quoted in § 2.4 (with note 61) above.

⁸⁵ If the above holds true, then what ICb 2 and ICb describe as διαίρεσις κ', κα', κβ', κγ' and κδ' of Nov. 131 equals chapter 14 of the same Novel in the standard edition (SK 662/28–663/31).

concur completely with the text version of the Novels presented by cod. Coisl. gr. 151. On the basis of ICb 2 and ICb, it can be argued that in its Novel part of B. 1, Cb presents the authentic Basilica text after all.⁸⁶

- 2.9. Where does the above leave us with regard to Zachariä's – and in his wake Scheltema and Van der Wal's – restituted version of the Novel part of the first book of the Basilica, as seen from the perspective of both textual criticism and *Quellenforschung*?

From the perspective of textual criticism, the consequences of the restitution are rather limited. For, there is only one difference between Zachariä's restitution of the Novel part of B. 1 and the text version presented by Cb: Zachariä quoted from Nov. 131 in the form of its summary in Theodore's Breviarium, whereas the Coislinianus transmits a part of the full text of the Novel. The situation is even more favourable in the Groningen edition of the Basilica. Here, too, there is only one difference between the restitution and Cb, again concerning Nov. 131: instead of TheodBrev. 131, Scheltema and Van der Wal adopted the text version of the Novel as it occurs in Attaleiates's Πόνημα νομικόν. More important, however, is the fact that they used Cb, P and SK for their collation of the text of the Novel part of B. 1.⁸⁷ When Zachariä first published his restitution (1877), the critical edition of the Collectio CLXVIII Novellarum prepared by Schöll and Kroll did not yet exist.

Things change somewhat if the issue of the restitution of the Novel part of B. 1 is viewed from the perspective of *Quellenforschung*. It should be observed that the following remarks pertain first and foremost to Zachariä's restitution, as Scheltema and Van der Wal confined themselves to critically following him. For his restitution, then, Zachariä relied heavily on the testimony of the Index Reginae. This index being what it is, it is less suitable for the purpose for which it was used by Zachariä. We have already seen that he correctly identified the IndReg. as a πῖναξ of the rubrics of the Novels in Theodore's Breviarium. The addition of the notes indicating which (parts of) Novels occur in which

⁸⁶ For this entire paragraph, cf. also Van Bochove 2001, p. 80–85 and 86–87.

⁸⁷ For all this, cf. § 2.3 (including its diagram) above.

book and title of the Basilica would seem to make the IndReg. an excellent tool for *Quellenforschung*. However, anyone consulting the Index Reginae might run the risk of being led astray in the interpretation of the phrases διαίρεσις and ἡ ὅλη νεαρά. And this is exactly what happened to Zachariä. While hypothesizing that the author of the notes in the IndReg. used the Breviarium rather than the Collectio CLXVIII Novellarum in order to indicate if and where a Novel occurred in the Basilica text, he subsequently reached the almost inevitable – but untenable – point of view that the term διαίρεσις would allude to Theod-Brev., whereas the phrase ἡ ὅλη νεαρά would refer to the full text of Justinian's Novels.⁸⁸ Moreover, it is clear that the notes on the Novels in the IndReg. must have been written some time after the compilation of the text of the Basilica, because in these notes we come across the phrase οὐδὲ αὕτη κεῖται which indicates that the Novel to which the note belongs, is lacking in BT. The two *indices titulorum* of the Basilica have proved to be better tools for the specific aspect of *Quellenforschung* dealt with in the present case study – the evaluation of the restitution of the Novel part of B. 1 – than the Index Reginae. First, the core of both ICb 2 and ICb goes back to the later ninth century. As such, the *indices titulorum* are closer to the Basilica text than the IndReg. with its notes: the genesis of the core of ICb 2 and ICb is synchronous with the genesis of the Basilica text itself, and may even predate that text.⁸⁹ Second, the two *indices titulorum* – combined with a note in the Index Reginae – enable us to make a positive identification with regard to the phrases διαίρεσις and ἡ ὅλη νεαρά: these terms refer to one and the same source, viz. recension L of the Collectio CLXVIII Novellarum.⁹⁰ In the end, ICb 2 and

⁸⁸ Cf. § 2.4 with the notes 59–61 above.

⁸⁹ ICb 2 and ICb may essentially be remnants of a – hypothetical – *index titulorum* which as an editorial plan may have underlain the compilation of the text of the Basilica; on this subject, cf. e.g. Van Bochove 1999, p. 1–2 with the notes 1–5, and p. 14–16 with the notes 58–69.

⁹⁰ Regarding the genesis of the notes in the Index Reginae, the following may be surmized. The use of the phrases διαίρεσις and ἡ ὅλη νεαρά suggests a strong link between these notes and an *index titulorum* of the Basilica such as ICb 2 and ICb. Some time after the genesis of the Basilica text, the author of the notes wanted to know if, and where individual Novels of Justinian occurred in the text of the Basilica. For his purposes, the author worked on the basis of an already existing *index* of rubrics of Theodore's Breviarium: a prototype of the

ICb are instrumental in showing that the Novel part of B. 1 as it has been handed down in cod. Coisl. gr. 151 does not deviate from the Novel part of any other Basilica book or title: the two *indices titulorum* allow the inference that the Novel part of B. 1 in Cb is entirely based on recension L of the Collectio. This renders Zachariä's restitution of the Novel part of B. 1 redundant.

It remains to be seen, if *Quellenforschung* on the basis of the *indices titulorum* of the Basilica has also consequences for the restitution of the Codex part of the first book of the Basilica.

Bibliography

- Th.E. van Bochove (1995), 'Codificatie in Byzantium? Enige opmerkingen over de betekenis van de Novellen van keizer Leo de Wijze', in *Groninger Opmerkingen en Mededelingen*, 12, p. 22–37.
- Th.E. van Bochove (1996), *To Date and Not to Date. On the Date and Status of Byzantine Law Books*, Groningen: Forsten.
- Th.E. van Bochove (1997), 'Ὁὐ κελεύομεν· συνεκεφαλαιώσαμεν καὶ ῥα-
δίαν ἔντευξιν παρέσχομεν. Some remarks with respect to the nature of the preface to the *Basilica*', in Sp. Troianos (ed.), *Analecta Atheniensia ad ius Byzantinum spectantia*, I, Athen & Komotini: Sakkoulas (Forschungen zur byzantinischen Rechtsgeschichte. Athener Reihe, 10), p. 155–168.
- Th.E. van Bochove (1999), 'Index Titulorum. Merely Table of Contents or Ἀρχὴ σὺν Θεῷ τῶν Βασιλικῶν?', in *Subseciva Groningana*, 6, p. 1–58.
- Th.E. van Bochove (2001), 'ΔΙΑΙΠΕΣΙΣ. ICb 2 and the Incorporation of Justinian's Novels into the Text of the Basilica', in *Subseciva Groningana*, 7, p. 45–89.

IndReg. without the notes. For the compilation of his notes on the individual Novels, the author may have consulted an existing *index titulorum* of the Basilica: in this way, he could simply confine himself to adopt references to Novels from that index and to incorporate them into his notes. This would explain how it is possible that the phrases διαίρεσις and ἡ ὅλη νεαρά in the notes in the IndReg. do not refer to Theodore's Breviarium, but to the original Collectio CLXVIII Novellarum (recension L), even though these notes are added to an index of rubrics of TheodBrev. This explanation is not exactly new: basically, we owe it to Heimbach; cf. Heimbach 1840, p. LXVIII: 'Ex his, quae in medium protulimus, fortasse et de horum scholiorum origine constare poterit. Sunt enim, ni fallor, ex Basilicorum tabula, qualem Codex Coislinianus CLI. habet (viz. the Index Coislinianus), deducta ad unum omnia. [...]'. For all this, cf. also Van Bochove 2001, p. 85–86.

- Th.E. van Bochove (2009), 'Scholia and Index Titulorum. On the relation between the apparatus of scholia in cod. Paris. gr. 1349 and IPc', in *Subseciva Groningana*, 8, p. 105–126.
- Th.E. van Bochove (2011), 'Some Byzantine Law Books. Introducing the Continuous Debate Concerning Their Status and Their Date', in Lokin & Stolte (eds, 2011), p. 239–266.
- Th.E. van Bochove (forthcoming), 'Working with ICb. Some observations on the present state of the Index Coislinianus as a research tool'.
- L. Burgmann (1986), 'Neue Zeugnisse der Digestensumme des Anonymos', in *Fontes Minores*, 7, p. 101–116.
- L. Burgmann & M. Th. Fögen (1982), 'Florilegium Lesbiacum', in *Fontes Minores*, 5, p. 107–178.
- L. Burgmann, M. Th. Fögen, A. Schminck & D. Simon (1995), *Repertorium der Handschriften des byzantinischen Rechts*. Teil I: Die Handschriften des weltlichen Rechts (Nr. 1–327), Frankfurt a.M.: Löwenklau Gesellschaft (Forschungen zur byzantinischen Rechtsgeschichte, Band 20).
- J. Dittrich (1993), 'Die Scholien des Cod. Taur. B.I. 20 zum Erbrecht der Basiliken', in *Fontes Minores*, 9, p. 181–298.
- C.A. Fabrot (ed., 1647), *Τὸν Βασιλικὸν Βιβλία Ξ'. Βασιλικῶν Libri LX*, 7 vols, Parisiis: Cramoisy.
- C. Ferrini & J. Mercati (eds, 1897), *Basilicorum libri LX*. Volumen VII: Editionis Basilicorum Heimbachianae supplementum alterum. Reliquias librorum ineditorum ex libro rescripto Ambrosiano, Lipsiae: Barth.
- M. Th. Fögen (1979), 'Zur Restitution von B. 37.1 und 2', in *Fontes Minores*, 3, p. 178–193.
- M. Th. Fögen (1989), 'Legislation und Kodifikation des Kaisers Leon VI.', in *Subseciva Groningana*, 3, p. 23–35.
- Ch. Gastgeber (ed., 2010), *Quellen zur byzantinischen Rechtspraxis. Aspekte der Textüberlieferung, Paläographie und Diplomatik*. Akten des internationalen Symposiums Wien, 5.–7. 11. 2007, Wien: Verlag der Österreichischen Akademie der Wissenschaften (Österreichische Akademie der Wissenschaften, philosophisch-historische Klasse. Denkschriften, 413. Band. Veröffentlichungen zur Byzanzforschung, Band 25).
- D. Getov (2005), 'Eine Scholiensammlung zur Synopsis Basilicorum maior', in *Fontes Minores*, 11, p. 325–413.
- F. Gorla (2001), 'Die Codexvorlesungen von Thalelaios über die Rechtsanwälte', in *Subseciva Groningana*, 7, p. 15–23.
- J. Grusková (2010a), 'Zwei neue Basiliken-Handschriften in der

- Österreichischen Nationalbibliothek. I: Paläographisch-kodikologische Analyse', in Gastgeber (ed., 2010), p. 107-138.
- J. Grusková (2010b), *Untersuchungen zu den griechischen Palimpsesten der Österreichischen Nationalbibliothek. Codices historici. Codices philosophi et philologici. Codices iuridici*, Wien: Verlag der Österreichischen Akademie der Wissenschaften (Österreichische Akademie der Wissenschaften, philosophisch-historische Klasse. Denkschriften, 401. Band. Veröffentlichungen zur Byzanzforschung, Band 20).
- C.W.E. Heimbach (ed., 1833), *Basilicorum libri LX*. Tom. I: lib. I-XII, Lipsiae: Barth.
- C.W.E. Heimbach (ed., 1840), *Basilicorum libri LX*. Tom. II: lib. XIII-XXIII, Lipsiae: Barth.
- C.W.E. Heimbach (ed., 1833-1850), *Basilicorum libri LX*, 5 vols, Lipsiae: Barth.
- C.W.E. Heimbach (1870), *Basilicorum libri LX*. Tomus VI: Prolegomena et Manuale Basilicorum, Lipsiae: Barth (partial repr. Amsterdam: Hakkert, 1962).
- G.E. Heimbach (ed., 1840), *Ἀνέκδοτα*. Tomus II. Iustiniani Codicis Summam Perusinam anonymique scriptoris collectionem viginti quinque capitulorum item Ioannis scholastici patriarchae Constantinopolitani collectionem octoginta septem capitulorum et Σύνοτον διαίρεσιν τῶν νεαρῶν τοῦ Ἰουστινιανοῦ novellarumque constitutionum indicem reginae denique anonymi scriptoris de peculiis tractatum [...]. Accedunt novellae constitutiones imperatorum Byzantinorum a Carolo Witte, Lipsiae: Barth (repr. Aalen: Scientia 1969).
- D. Holwerda (1984), 'Eine Stileigenheit des Thalelaios?', in *Subseciva Groningana*, 1, p. 11-41.
- J.H.A. Lokin (1989), 'Habent sua fata Basilica. On the Occasion of the Completion of the Groningen Basilica Edition', *Subseciva Groningana*, 3, p. 1-10 (repr. in Lokin 2010, p. 201-209).
- J.H.A. Lokin (1994), 'The Significance of Law and Legislation in the Law Books of the Ninth to Eleventh Centuries', in A.E. Laiou & D. Simon (eds), *Law and Society in Byzantium: Ninth – Twelfth Centuries*. Proceedings of the Symposium on Law and Society in Byzantium, 9th-12th Centuries, Dumbarton Oaks, May 1-3, 1992, Washington D.C.: Dumbarton Oaks & Harvard University Press, p. 71-91 (repr. in Lokin 2010, p. 183-199).
- J.H.A. Lokin (2010), *Analecta Groningana ad ius graeco-romanum pertinentia*, ed. Th.E. van Bochove, Groningen: Chimaira.
- J.H.A. Lokin & Th.E. van Bochove (2011), 'Compilazione – educazione – purificazione. Dalla legislazione di Giustiniano ai Basilica cum scholiis', in Lokin & Stolte (eds, 2011), p. 99-146.

- J.H.A. Lokin & B.H. Stolte (eds, 2011), *Introduzione al diritto bizantino. Da Giustiniano ai Basilici*, Pavia: IUSS Press (Collegio di Diritto Romano 2009. Pubblicazioni del CEDANT, 8).
- P.E. Pieler (1978), 'Byzantinische Rechtsliteratur', in H. Hunger, *Die hochsprachliche profane Literatur der Byzantiner*, Band 2, München: Beck (Handbuch der Altertumswissenschaft, 12,5,2), p. 341-480.
- P.E. Pieler (1989), 'Ανακάθαρσις τῶν παλαιῶν νόμων und makedonische Renaissance', in *Subseciva Groningana*, 3, p. 61-77.
- I.B. Pitra (1868), *Iuris ecclesiastici Graecorum historia et monumenta*. Tom. II: AVI ad IX saeculum, Romae (repr. 1963).
- F. Pringsheim (1963), 'Über die Basiliken-Scholien. I: Die Anonymos-Katene. – II: Die Unterscheidung der alten von den neuen Scholien', in *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, romanistische Abteilung*, 80, p. 287-341.
- G. Rhallis & M. Potlis (1852), *Σύνταγμα τῶν θεῶν καὶ ἱερῶν κανόνων τῶν τε ἁγίων καὶ πανευφήμων ἀποστόλων καὶ τῶν ἱερῶν οἰκουμενικῶν καὶ τοπικῶν συνόδων καὶ τῶν κατὰ μέρος ἁγίων πατέρων*, vol. 1, Ἀθήνησιν (repr. 1966, 1992).
- G. Rhallis & M. Potlis (1852-1854), *Σύνταγμα τῶν θεῶν καὶ ἱερῶν κανόνων τῶν τε ἁγίων καὶ πανευφήμων ἀποστόλων καὶ τῶν ἱερῶν οἰκουμενικῶν καὶ τοπικῶν συνόδων καὶ τῶν κατὰ μέρος ἁγίων πατέρων*, vols. 2 – 4, Ἀθήνησιν (repr. 1966, 1992).
- G.E. Rodolakis (2007), *Από το Νόμο Ροδίων στο 53ο βιβλίο των Βασιλικών. Συμβολή στη μελέτη του βυζαντινού ναυτικού δικαίου*, Αθήνα: Ἀκαδημία Ἀθηνῶν (Επετηρίς τοῦ Κέντρου Ἑρεῦνης τῆς Ἱστορίας τοῦ Ἑλληνικοῦ Δικαίου, Τόμος 40, Παράρτημα 8).
- H.J. Scheltema (1957), 'Über die angebliche Anonymuskatene', in *Tijdschrift voor Rechtsgeschiedenis*, 25, p. 284-301 (repr. in Scheltema 2004, p. 315-326).
- H.J. Scheltema (1960-1963), 'Über die Scholienapparate der Basiliken', in *Ἀριστοτέλειον Πανεπιστήμιον Θεσσαλονίκης. Ἐπιστημονικὴ ἐπετηρὶς ἐκδομένη ὑπὸ τῆς Σχολῆς τῶν Νομικῶν καὶ Οἰκονομικῶν Ἐπιστημῶν*, 8 (Μνημόσυνον Περικλέους Βιζουκίδου), p. 139-145 (repr. in Scheltema 2004, p. 359-364).
- H.J. Scheltema (1962), 'Subseciva. III. Die Verweisungen bei den frühbyzantinischen Rechtsgelehrten', in *Tijdschrift voor Rechtsgeschiedenis*, 30, p. 355-357 (repr. in Scheltema 2004, p. 116-118).
- H.J. Scheltema (1970), *L'enseignement de droit des antécédents*, Leiden: Brill (Byzantina neerlandica. Series B: Studia, 1) (repr. in Scheltema 2004, p. 58-110).
- H.J. Scheltema (1977), 'Das Kommentarverbot Justinians', in *Tijdschrift*

- voor *Rechtsgeschiedenis*, 45, p. 307–331 (repr. in Scheltema 2004, p. 403–428).
- H.J. Scheltema (2004), *Opera minora ad iuris historiam pertinentia*, eds N. van der Wal, J.H.A. Lokin, B.H. Stolte & R. Meijering, Groningen: Chimaira.
- H.J. Scheltema & D. Holwerda (eds, 1957), *Basilicorum Libri LX*. Series B Volumen III: Scholia in libros XV–XX, Groningen/Djakarta/'s-Gravenhage: Wolters & Martinus Nijhoff.
- H.J. Scheltema, D. Holwerda & N. van der Wal (eds, 1953–1985), *Basilicorum Libri LX*. Series B: Scholia in libros I–LX, 9 vols, Groningen/Djakarta/'s-Gravenhage: Wolters(–Noordhoff), Martinus Nijhoff & Bouma's Boekhuis (partial repr. 2003).
- H.J. Scheltema & N. van der Wal (eds, 1955), *Basilicorum Libri LX*. Series A Volumen I: Textus librorum I–VIII, Groningen/Djakarta/'s-Gravenhage: Wolters & Martinus Nijhoff.
- H.J. Scheltema & N. van der Wal (eds, 1956), *Basilicorum Libri LX*. Series A Volumen II: Textus librorum IX–XVI, Groningen/Djakarta/'s-Gravenhage: Wolters & Martinus Nijhoff.
- H.J. Scheltema & N. van der Wal (eds, 1960), *Basilicorum Libri LX*. Series A Volumen III: Textus librorum XVII–XXV, Groningen/'s-Gravenhage: Wolters & Martinus Nijhoff.
- H.J. Scheltema, N. van der Wal & D. Holwerda (eds, 1955–1988), *Basilicorum Libri LX*. Series A: Textus librorum I–LX, 8 vols, Groningen/Djakarta/'s-Gravenhage: Wolters(–Noordhoff), Martinus Nijhoff, Tjeenk Willink & Bouma's Boekhuis (partial repr. 2003).
- A. Schminck (1986), *Studien zu mittelbyzantinischen Rechtsbüchern*, Frankfurt a.M.: Löwenklau Gesellschaft (Forschungen zur byzantinischen Rechtsgeschichte, Band 13).
- A. Schminck (1998), 'Das Prooimion der Bearbeitung des Nomokanon in 14 Titeln durch Michael und Theodoros', in *Fontes Minores*, 10, p. 357–386.
- A. Schminck & D. Getov (2010), *Repertorium der Handschriften des byzantinischen Rechts*. Teil II: Die Handschriften des kirchlichen Rechts, 1 (Nr. 328–427), Frankfurt a.M.: Photios-Verlag (Forschungen zur byzantinischen Rechtsgeschichte, Band 28).
- R. Schöll & G. Kroll (eds, 1895), *Novellae*, Berolini: Weidmann (Corpus iuris civilis. Editio stereotypa, vol. 3) (many repr.).
- J. Signes Codoñer (2009), 'The Corpus of Leo's Novels. Some suggestions concerning their date and promulgation', in *Subseciva Groningana*, 8, p. 1–33.
- J. Signes Codoñer (2011), 'Las Novelas de León VI el Sabio', in Lokin & Stolte (eds, 2011), p. 267–321.

- D. Simon (1969a), 'Aus dem Kodexunterricht des Thalelaios. A: Methode', in *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, romanistische Abteilung*, 86, p. 334–383.
- D. Simon (1969b), 'Aus dem Kodexunterricht des Thalelaios. C. Interpolationsberichte', in *Revue internationale des droits de l'antiquité*, 3^e série, 16, p. 283–308.
- D. Simon (1970a), 'Aus dem Kodexunterricht des Thalelaios. B: Die Heroen', in *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, romanistische Abteilung*, 87, p. 315–394.
- D. Simon (1970b), 'Aus dem Kodexunterricht des Thalelaios. D. Divergenzen zwischen Thalelaioskommentar und Codexüberlieferung', in *Revue internationale des droits de l'antiquité*, 3^e série, 17, p. 273–311.
- J.M. Sontis (1937), *Die Digestensumme des Anonymos*. I: Zum Dotalrecht. (Ein Beitrag zur Frage der Entstehung des Basilikentextes), Heidelberg: Winter (Heidelberger rechtswissenschaftliche Abhandlungen, 23).
- B.H. Stolte (1984), 'The Partes of the Digest in the Codex Florentinus', in *Subseciva Groningana*, 1, p. 69–91.
- B.H. Stolte (1985), 'The Digest Summa of the Anonymus and the Collectio Tripartita, or the Case of the Elusive Anonymi', in *Subseciva Groningana*, 2, p. 47–58.
- B.H. Stolte (2005a), 'Further to understanding the marginal gloss of the corrector ordinarius in the codex Florentinus on fol. 439r', in *Tijdschrift voor Rechtsgeschiedenis*, 73, p. 385–389.
- B.H. Stolte (2005b), 'Balancing Byzantine Law', in *Fontes Minores*, 11, p. 57–75.
- B.H. Stolte (2010), 'Zwei neue Basiliken-Handschriften in der Österreichischen Nationalbibliothek. II: Rechtshistorische Analyse', in Gastgeber (ed., 2010), p. 139–182.
- B.H. Stolte (2010–2011), 'Not in the Code, nor in the Basilica: C. 1.1.8 and its translation in the Basilica', in *Annali del Seminario Giuridico dell'Università degli Studi di Palermo*, 54, p. 289–300.
- B.H. Stolte (2011), 'The Value of the Byzantine Tradition for Textual Criticism of the Corpus Iuris Civilis. "Graeca leguntur"', in Lokin & Stolte (eds, 2011), p. 667–680.
- V. Tiftixoglu (1991), 'Zur Genese der Kommentare des Theodoros Balsamon. Mit einem Exkurs über die unbekannten Kommentare des Sinaiticus gr. 1117', in N. Oikonomides (ed.), *Byzantium in the 12th Century. Canon Law, State and Society*, Athens: Kardamitsas (Society of Byzantine and post-Byzantine Studies. Diptycha – Paraphylla, 3), p. 483–532.

- V. Tiftixoglu & Sp. Troianos (1993), 'Unbekannte Kaiserurkunden und Basilikentestimonia aus dem Sinaiticus 1117', in *Fontes Minores*, 9, p. 137-179.
- Sp. Troianos (2011), *Οι πηγές του βυζαντινού δικαίου*, τρίτη έκδοση συμπληρωμένη, Αθήνα & Κομοτηνή: Σάκκουλα.
- N. van der Wal (1953), *Les commentaires grecs du Code de Justinien*, 's-Gravenhage: Excelsior.
- N. van der Wal (1981), 'La version florentine de la Collection des 168 Nouvelles', in *Tijdschrift voor Rechtsgeschiedenis*, 49, p. 149-158.
- N. van der Wal (1989), 'Probleme bei der Restitution verlorengegangener Basilikenbücher', in *Subseciva Groningana*, 3, p. 143-154.
- N. van der Wal & J.H.A. Lokin (1985), *Historiae iuris graeco-romani delineatio. Les sources du droit byzantin de 300 à 1453*, Groningen: Forsten.
- C.E. Zachariae (ed., 1843), *Ἀνέκδοτα. Theodori scholastici breuiarium Novellarum, collectio regularum iuris ex Institutionibus, fragmenta breuiarii Codicis a Stephano antecessore compositi, appendix Eclogae, fragmenta epitomae Novellarum graecae ab Anonymo sive Iuliano confectae, fragmenta Novellarum ex variorum commentariis, edicta praefectorum praetorio*, Lipsiae: Barth (repr. Aalen: Scientia, 1969).
- C.E. Zachariae a Lingenthal (ed., 1846), *Supplementum editionis Basilicorum Heimbachianae, libros XV-XVIII Basilicorum cum scholiis antiquis integros nec non librum XIX Basilicorum novis auxiliis restitutum continens*, Lipsiae: Barth.
- K.E. Zachariä von Lingenthal (1877), 'Beiträge zur Kritik und Restitution der Basiliken', in *Mémoires de l'Académie impériale des sciences de St.-Petersbourg*, 7^e série, 23, 6, St.-Petersbourg (repr. in K.E. Zachariä von Lingenthal (1973), *Kleine Schriften zur römischen und byzantinischen Rechtsgeschichte*. Sammlung der in Zeitschriften und Serienwerken erschienenen selbständigen Abhandlungen 1840-1894. Band 1: 1840-1879, Leipzig: Zentralantiquariat der Deutschen Demokratischen Republik (Opuscula. Sammelausgabe seltener und bisher nicht selbständig erschienener wissenschaftlicher Abhandlungen, Band 4/1), p. 575-613.
- J. Zepos & P. Zepos (eds, 1931), *Jus Graecoromanum*. Vol. 7: Prochiron auctum – Meditatio de nudis pactis – Michaelis Pselli Synopsis legum – Michaelis Attalioetae Opus de iure – XXVI decisiones Demetrii Chomatiani, Athenis (repr. Aalen: Scientia, 1962).

JUAN SIGNES CODONER, INMACULADA PÉREZ MARTÍN
Valladolid – CSIC Madrid

IN THE MANNER OF CONCLUSIONS: AN EPILOGUE

The results of the different approaches put forward by the contributors to cope with the problems and questions posed by the editors now offer a broad palette of methodological strategies that are, to a great extent, complementary, but difficult to summarize along general lines. The purpose of this volume, however, is not to offer simple solutions to complex problems, but just to illuminate the task of the editor with new reflections made on case studies. To the future belongs the writing of a new manual for Greek textual criticism that pays more attention to the use of the sources and the rewriting process. How much theoretical work is still awaiting can be easily exemplified by the project *Sharing Ancient Wisdoms*, which is composed of teams at King's College in London, the Newman Institute in Uppsala and the University of Vienna working on Greek and Arabic wisdom literature. Their aim, as declared on the group's website,¹ 'is to publish several collections online, using TEI XML to encode the texts, and using RDF to express and display their relationships – with the ancient texts on which they drew, with later texts which drew on them, and also with one another, since such collections were frequently translated'. To reach its objectives the project has produced tools to record and visualize the links within and between *gnomologia* and developed a so-called ontology or hierarchical catalogue of all the conceivable relationships between two items. All this theoretical framework, however, only embraces wisdom literature, and is not for the moment extended to other literary texts.

¹ <http://www.ancientwisdoms.ac.uk>

On the other hand we must not forget the practical problems faced by editors that also imply methodological reflections. This topic has become increasingly popular among Byzantinists in the last years, as proved by some recent publications. We mention just three. First, the book edited by Antonia Giannouli and Elisabeth Schiffer (2011), *From Manuscripts to Books – Vom Codex zur Edition, Proceedings of the International Workshop on Textual Criticism and Editorial Practice for Byzantine Texts (Vienna, 10-11 December 2009)*, Vienna: Verlag der österreichischen Akademie der Wissenschaften, which offers some revealing insights on questions that have not been dealt with in this volume, as for example the thorny problem of punctuation of texts. Secondly, the proceedings edited by Christian Gastgeber (2010), *Quellen zur Byzantinischen Rechtspraxis. Aspekte der Textüberlieferung, Paläographie und Diplomatie. Akten des internationalen Symposiums, Wien, 5-7.11.2007*, Vienna: Verlag der Österreichischen Akademie der Wissenschaften, which contains a number of illuminating studies on a range of juridical texts of different periods written both on papyrus and parchment. And, finally the second volume of *Ars Edendi. Lecture Series*, edited by Alessandra Bucossi and Erika Kihlman and published in Stockholm in 2012, which includes papers on both the Greek and Latin Middle Ages.² We could also mention other specific studies, centred on matters like imitation and rewriting that are complementary to some of the approaches made in this volume,³ or even deal with the performance of the texts, a crucial issue for understanding their formal structure and transmission but unfortunately not dealt with by the contributors to this volume.⁴

²The *Ars Edendi* project, based at Stockholm University, concentrates in editing only specific categories of Medieval texts, such as commentaries and glosses, liturgical texts, collections of model texts (understood as a standard example from some genre – sermons, letters, rhetorical exercises, etc. – intended as a guide for the preacher, speaker or writer), and anthologies. For more details see the website www.arsedendi.org.

³ See particularly Andreas Rhoby & Elisabeth Schiffer (eds., 2010), *Imitatio – Aemulatio – Variatio. Akten des internationalen wissenschaftlichen Symposiums zur byzantinischen Sprache und Literatur (Wien, 22.-25. Oktober 2008)*, Vienna: Verlag der österreichischen Akademie der Wissenschaften.

⁴ See for instance Michael Grünbart (ed., 2007), *Theatron: rhetorische Kultur in Spätantike und Mittelalter*, Berlin & New York: Walter de Gruyter; and Niels Gaul (2011), *Thomas Magistros und die spätbyzantinische Sophistik. Studien zum*

Also interesting is the ongoing discussion about the ‘open’ or ‘closed’ character of the Greek vernacular Texts, which has been mostly left out of the scope of the present volume. It is enough here to refer to the revealing volume edited by Hans Eideneier, Ulrich Moennig and Notis Toufexis, *Θεωρία και πράξη των εκδόσεων της υστεροβυζαντινής, αναγεννησιακής και μεταβυζαντινής δημόδους γραμματείας. Πρακτικά του Διεθνούς Συνεδρίου Neograeca Medii Aevi IV*, Αμβούργο 28-31.1.1999, published in Iraklio (Crete) in 2001.

To take all these topics into account for a conclusion would be beyond the present purpose of the present volume, of whose limitations we are perfectly aware. In fact, the different strategies currently on the way to tackling the problem of setting principles for editing texts provide a caveat for anyone trying to present a simple solution to a very complex issue. This situation certainly provides us sufficient justification in skipping some kind of formal conclusion to the previous debate. However, although we find this prudence timely and advisable, we also think that it can be useful to present, in summary form, some main ideas that were recurrent among the contributors and that could eventually open perspectives for future research. We present them in a rather schematic way and refer to the corresponding chapter for more details:

- **AUTHORITATIVE TEXTS REVISITED:** Contrary to what may appear, some authoritative texts in the fields of philosophy and law are not closed texts but open to constant revision and updating – cf. §§ 3.1-5 and 5.1-5.
- **STYLISTIC REWRITING AS ORIGINAL WORK:** The source-texts were considered common property and appropriated by means of stylistic change – cf. §§ 1.1-2, 4.4.
- **DOSSIERS AS WORKS:** Be they finished, unfinished or even preparatory – cf. §§ 2.1, 4.2-3.

Humanismus urbaner Eliten in der frühen Palaiologenzeit, Wiesbaden: Harrassowitz Verlag, esp. pp. 17-120.

- VIRTUAL LIBRARIES: Tracing back the lectures of a given author informs us about his sources and working method and may eventually allow reconstructing his library – cf. §§ 2.1–2.4, 5.2.
- CHAINS OF EDITIONS: Some writers revisited their own texts and produced new ‘editions’ whose traces appear in the transmission – cf. §§ 2.1–2, 3.3–4, 4.1.
- INTEGRATION OF THE SOURCES INTO THE STEMMA CODICUM – cf. §§ 1.1, 3.1–2, 4.1, 5.5.

We are convinced that it is only with these topics under consideration that the new principles for the textual criticism can be found.

